

T: 0300 244 4000
E: scottish.ministers@gov.scot

Elric Honouré
Chair
Open Government Civil Society Network Scotland

By email: elric@gmx.co.uk

28th May 2020

Dear Elric, and Civil Society Steering Group Members,

Thank you for your letter dated 17th April. I welcome this opportunity to address the important issues you have raised, and appreciate your continued commitment to our Open Government partnership during this challenging time.

I share your view that it is of vital importance that the Scottish Government and public bodies continue to demonstrate openness and transparency throughout this time. The First Minister has also reaffirmed her determination that our guiding values should continue to be kindness, compassion, openness and transparency in setting out our [Framework for Decision Making](#).

Thank you for the support that you have shown for our decision to postpone the Delivery of our 2018 – 2020 Action Plan. This approach will ensure that the progress we have made on our commitments can be reflected in our next IRM report, and to allow us to engage with the public to the level we would wish to in designing our next plan.

I welcome, also, the exemplary piece of collaborative working which recently led to Covid-19 statistics being published in Open Data format. This was a perfect example of how strong channels of communication between Government and Civil Society can allow constructive criticism to have real impact, improving outcomes for everyone.

The Scottish Government will continue to welcome scrutiny and collaboration as we respond to the pandemic. Below I have set out our strategy on the key themes of your letter.

Human rights

Central to our approach in tackling the pandemic is a resolute focus not just on the necessity and proportionality of the measures being taken, but also on the overriding duty to uphold and protect human dignity. One of the most fundamental tests for the functioning of an

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

effective, democratic society is the way in which it looks after the rights of the most vulnerable and marginalised in times of crisis.

I want to assure you that we are continuing to undertake Equality Impact Assessments and other impact assessments (including Child Rights and Wellbeing Impact Assessments) during the current emergency. Indeed, we are clear that the effective prediction and evaluation of impacts is, if anything, of even greater importance at a time when there is significant disruption to normal business. Recent impact assessment activity has explicitly included the new emergency legislation and will cover any future adjustment or extension of these measures.

I can further assure you of the importance we attach to the expert and informed commentary and advice which the National Human Rights Institutions and civil society organisations have been providing as we work together as a nation to confront new challenges.

Scotland has a proud tradition of embedding a human rights and equality approach across its legislation and policy. As a government, we are working to ensure that those values of fairness, equality and dignity continue to underpin public policy decisions. But our decisions both in government and in the Parliament are inevitably stronger and more robust when they are subjected to effective scrutiny and are informed by active and open dialogue which brings together different perspectives and expertise from across Scottish society as a whole. I know that appreciation of the wider community effort is also shared by ministerial colleagues and I wish to take this opportunity to thank all those who have been contributing so constructively to debate in a range of areas over recent weeks.

Freedom of Information

We recognise the importance of upholding information rights and the considerable public interest in the release of information at this time. The Scottish Government already publishes large amounts of information and we are proactively releasing information on the Coronavirus pandemic on a daily basis.

The temporary provisions introduced did not suspend information rights, but provided staff across all public authorities with much needed breathing space when their focus is on protecting lives and delivering essential services to Scotland's people. The Public Audit and Post-legislative Scrutiny Committee's news release of 19 May, accompanying its report on post-legislative scrutiny of FOISA, noted: "These measures were agreed in order that public authorities are not penalised for prioritising other areas during this unprecedented period of need."

However, our approach has been to seek consensus on emergency coronavirus legislation and, as you will be aware, the Parliament has now come to the view that these measures are not required to support authorities.

The Government accepts this determination although it will, without doubt, present significant challenges for all affected.

Democracy Matters

The Scottish Government continues to work closely with COSLA on the joint Local Governance Review. Recent events demonstrate the huge value of community action. How

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



best to enable a transformative transfer of power and influence to communities will be the focus of the next phase of Democracy Matters. We are in the process of finalising arrangements for communities of place and interest to get involved in this conversation, as soon as that becomes safe and practical. Ideally, online tools and platforms will complement, rather than replace, the type of creative conversations that took place in hundreds of locations during the first phase of engagement when friends, families and neighbours considered a short set of questions about the future of local democracy. Many reported enjoying the experience which involved coming together in person. To help minimise barriers to participation, we will once again make small grants available to cover the cost of hosting a conversation. In addition, a wide range of organisations who work alongside marginalised groups stand ready to help make the conversation even more inclusive than last time. We share the ambitions of the Open Government Civil Society Network to empower local people and strengthen democracy in Scotland, and look forward to input from across your network once the next phase of engagement begins.

I look forward also to the time when thoughts can once again turn to our next Open Government Action Plan, and in the meantime, welcome your continued support and engagement with Commitment Leads and the Open Government team. I am hopeful that we can take advantage of the opportunity to secure long term, systemic change following this crisis. Our third action plan has the potential to play a key role in this, building on some of the positive changes which have been implemented and learning from our experiences as we move to Build Back Better.

I look forward to further engaging with you in due course.

Kind regards, take care and stay safe.

Yours sincerely,



Graeme Dey

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot