

Permanent Secretary  
John-Paul Marks  
E: [REDACTED]



Scottish Government  
Riaghaltas na h-Alba  
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David Hamilton  
Scottish Information Commissioner

By email: [REDACTED]

18 December 2024

Dear Commissioner,

Thank you for meeting yesterday to discuss the Scottish Government's performance improvement on Freedom of Information responses (FOI), the publication of the Martins Report, and the Scottish Government's response to Scottish Information Commissioner Decision 193/2024.

Firstly, I am grateful for the engagement between our teams, and for the discussion on FOI improvement. The Scottish Government is now consistently responding to FOI requests on time, meeting or exceeding the performance targets we agreed, and handling higher volumes than ever before. I look forward to your review of performance and would be happy to meet again in the New Year to discuss the conclusions.

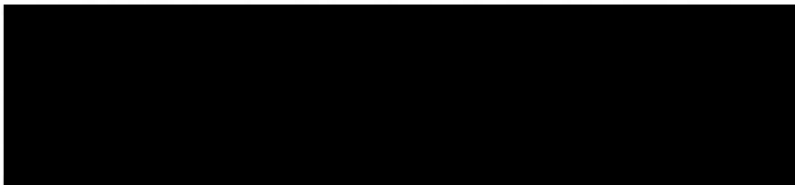
Secondly, I appreciated the opportunity to share the headlines of the Martins Report. Yesterday the Deputy First Minister set out the detail and next steps in a statement to Parliament and welcomed the report, reinforcing commitment to the highest levels of transparency, accountability and openness.

Thirdly, the First Minister also published his updated Ministerial Code yesterday, setting out the standards expected of Ministers, with a strengthened role for newly appointed Independent Advisors, with further detail set out on the process of independent scrutiny and advice that the Advisors can provide to the First Minister.

Finally, we discussed the Scottish Government's response to Scottish Information Commissioner Decision 193/2024. I am satisfied that the Scottish Government responded within the proper timeframe, that the decisions taken at each stage were informed by comprehensive and impartial advice, including from King's Counsel and the Lord Advocate, and the case was handled consistent with Ministers' obligations under the Freedom of Information (Scotland) Act. As we discussed, and consistent with the published legal advice, I am satisfied that throughout Ministers had a stateable case, seeking to test an important point of statutory interpretation. To support transparency and accountability, the response to the final decision was the subject of a Parliamentary statement made by the First Minister on 29 October, which sets out the Scottish Government's position in full.

I am grateful for your feedback as we continue to seek to improve quality, timeliness, trust and transparency. Considerable work has been undertaken to make progress in this regard.

Best wishes,



**JP Marks**  
**Permanent Secretary to the Scottish Government**