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| [REDACTED] | Area G-G  OAG  Victoria Quay  Edinburgh EH6 6QQ  Date 01/12/15 |

Dear [REDACTED]

**Freedom of Information Request**

Thank you for your email of 20 November requesting the following information (which I have numbered for ease of reference) –

In each of the past three financial years:

1. On how many occasions has the department appeared as a party in a case concerning the Freedom of Information (FOI) Act before the a) Information Tribunal b) Information Tribunal Upper Tier c) any other court?

2. What was the cost to the department of FOI-related litigation? (If there is not a precise figure, what estimates have been made, including, if it is all you have available, the estimated average cost of taking an FOI case to the Information Tribunal)

3. On how many occasions did the Information Tribunal order the department disclose a) all or b) some information it had sought to withhold?

4. On how many occasions did the department appeal a decision on FOI by the Information Commissioner to the Information Tribunal? And how many of these appeals brought by the department successful a) wholly; b) in part?

5. On how many occasions did the department withdraw an appeal to the Information Tribunal on an FOI matter either before or during the hearing?

6. On how many occasions has the Tribunal ordered the department to pay the other side’s costs in an FOI case? If so, how much was paid?

7. On how many occasions in each of the past three financial years, has the department appeared before a tribunal or court on any matter apart from FOI?

8. What was the cost of all litigation in which the department was involved?

 Internal Reviews

In each of the past three years:

9. How many internal reviews of FOI refusal notices were resolved by this department within the following number of working days: i) 0-20; ii) 21-30; iii) 31-40; iv)  41 working days or longer?

10. Have there been any that took longer than 6 months?

11. Does the department record complaints about the length of time it takes the department to conduct internal reviews? If so, how many were lodged in each of the past three years?

With regard to questions 1-6, 10 and 11 the answer to each of these questions is 0.

With regard to question 9 there have been 4 internal review requests within the last 3 years. They were resolved within the following timescales - (i) 0-20 working days – 1 (ii) 21-30 working days – 2 (iii) 31-40 working days – 0 (iv) 41 working days or longer – 1

With regard to questions 7 & 8, OAG acts on behalf of all UK Government departments in litigation in Scotland. Proceedings can be raised either against the relevant Secretary of State or the Advocate General for and on behalf of a particular Minister or body. Accordingly the cost of compiling information to comply with each of these parts of your request would  exceed the appropriate limit in terms of staff time.

You may, if dissatisfied with the treatment of your request, ask the Office of the Advocate General to conduct an internal review of its decision.  The internal review will be conducted by someone other than the person who took the initial decision.  Requests for internal review should be addressed to the Information Officer, Office the Advocate General, Victoria Quay, Edinburgh, EH6 6QQ.

If following the internal review you remain dissatisfied with the treatment of your request by OAG then you may take your complaint to the Information Commissioner, whose address is Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.  Details of the complaints procedure can be found here:

<http://www.ico.gov.uk/complaints/freedom_of_information.aspx>

Yours sincerely

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