



December 3, 2009

Mr Twinn

Thank you for your email dated 9 November requesting copies of all communications, including records of meetings and phone calls, between the Electoral Commission and the Scottish Government relating to a possible referendum in Scotland on future Scottish constitutional arrangements (this is to include material relating to the possible role the Commission might play in such a referendum), dating from May 2007 – 9 November 2009.

As you may be aware, the recent Court of Session judgement - Glasgow City Council and Dundee City Council v Scottish Information Commissioner [2009] CSIH 73 (issued on 30 September 2009) - clarified that the Freedom of Information (Scotland) Act (FOISA) gives a right to information, not documents, and that information requests must identify precisely the information sought. According to the Court of Session, a request is not valid if it does not, in accordance with section 8(1)(c) of FOISA, describe the information requested. As your request is a general request for correspondence, details of meetings etc. which does not clearly identify the particular information you are looking for, in line with the Court of Session ruling, we do not consider it to be a valid request. Accordingly, we are not obliged to respond to it. However, if you wish to rephrase your request to clearly describe the specific information you are looking for, for example views exchanged between the Scottish Government and the Electoral Commission, concerning a particular subject matter relating to the possible referendum, your request would be valid and we would be able to respond in accordance with the Act.

Yours,

Terry Kowal
Head of Referendum Team

