



The Scottish Parliament
Pàrlamaid na h-Alba

Information Management and Governance
Scottish Parliament
Edinburgh
EH99 1SP

foi.officer@parliament.scot

7 December 2023

Dear Requester,

REQUEST FOR INFORMATION: 2023-694146

We acknowledge your request for the following information:

Concerning the widely reported costs for Mr Matheson's trip to Morocco, please may I request any documents you feel would be relevant to answer the question: "how is the charge calculated (units and unit price and dates data was consumed), on what iPad-based activities"? If possible, I would request:

- dates, times and the subjects of meetings held by video or audio conference (confirmed against Mr Matheson's official diary)*
- any internal reports investigating the charge*
- any correspondence with the provider, understood to be EE including investigations on the charges*
- any responses provided by Mr Matheson or his office in relation to the costs*
- whether the iPad was used for any non-parliamentary purposes and whether the data cost of this has been calculated*
- any policy documents governing the use of Parliament-issued technology hardware.*

I note that a full investigation has been requested. Should this progress then I would be pleased to defer this FOISA request or to have it modified such that it is fulfilled by existing investigations.

Your request was received on 9 November 2023 and has been handled in accordance with the Freedom of Information (Scotland) Act 2002 (FOI(S)A).

Responding to each part of your request in turn the position is as follows:

Concerning the widely reported costs for Mr Matheson's trip to Morocco, please may I request any documents you feel would be relevant to answer the question: "how is the charge calculated (units and unit price and dates data was consumed), on what iPad-based activities"? If possible, I would request:

The EE Bill has been published on the Parliament's FOI disclosure log at the following link:

[EE Bill for Morocco Data.xlsx \(parliament.scot\)](#)

We are unable to provide information about the unit price for the data consumed as we consider this information to be exempt from disclosure in terms of section 33(1)(b) of FOI(S)A – where disclosure would be prejudicial to the commercial interest of any person. The reasons in support of the use of this exemption are set out in the attached refusal notice.

- dates, times and the subjects of meetings held by video or audio conference (confirmed against Mr Matheson's official diary)

We are interpreting this request as relating to the dates, times and subjects of meetings held while Mr Matheson MSP was on holiday in Morocco in December 2022 / January 2023.

The information you requested is not held by the Scottish Parliament and therefore we cannot provide it to you. The reason for this is that we do not hold a diary of the Member's appointments arranged by date as we have no business need to collect or collate this information. You may wish to contact the Member's office for this information.

Please note, MSPs are not subject to FOI(S)A. This has been confirmed by the Scottish Information Commissioner who has provided guidance on FOI and elected representatives which can be accessed here:

<https://www.itspublicknowledge.info/foi-and-elected-representatives>

Any information held by the SPCB about meetings attended by the Member is held on behalf of the Member and therefore not held by the SPCB. The reasons for this are set out below.

By way of explanation, the Scottish Parliamentary Corporate Body (SPCB) is responsible for ensuring that the Parliament is provided with the property, services and staff it requires and for providing support to MSPs to enable them to carry out their parliamentary duties. Any information which the SPCB has access to as a consequence of providing these services is held on behalf of the Member which is the position in relation to this request. Where information is held by the SPCB on behalf of the Member we rely on the terms of section 3(2)(a)(i) of FOI(S)A, which provides that where a public authority has information in its possession which is 'held' on behalf of another person, the information is not held by the authority. You can access section 3 of

FOI(S)A at the following link: [Freedom of Information \(Scotland\) Act 2002 \(legislation.gov.uk\)](https://legislation.gov.uk).

You can also access the briefing document on information not held that is provided by the Scottish Information Commissioner at the following link: [BriefingSection17Informationnoheld.pdf \(itspublicknowledge.info\)](https://itspublicknowledge.info/BriefingSection17Informationnoheld.pdf)

Accordingly, the SPCB does not hold information in response to this part of your request. In line with the technical requirements of FOI(S)A we have provided a notice advising that the information you have requested is not held by the Scottish Parliament.

- any internal reports investigating the charge

On 23 November 2023, the SPCB announced an investigation under the Code of Conduct for MSPs of the data roaming charges incurred between 28 December 2022 and 3 January 2023 through the use of equipment provided by the SPCB to Michael Matheson MSP. This will investigate and make findings as to whether an improper claim was made by the Member in respect of charges (or any part of them) under the Reimbursement of Members Expenses Scheme, and whether the Member failed to abide by the policies adopted by the SPCB as required by Section 7.3 of the Code of Conduct for MSPs.

In light of this, we are unable to disclose further details of the information requested as we consider this information to be exempt from disclosure in terms of section 35(1)(g) and (2)(b) and section 30(c) of FOI(S)A.

Full reasons for the use of these exemptions are set out in the attached refusal notice.

In addition, you may be aware that on 15 November 2023 the SPCB announced a review of the Scottish Parliament's policies on mobile devices and data roaming charges for MSPs – see: [SPCB instructs urgent review of data charges policy as Parliament publishes data charges bill | Scottish Parliament Website](https://www.scottish.parliament.uk/news/2023/11/15/spcb-instructs-urgent-review-of-data-charges-policy-as-parliament-publishes-data-charges-bill)"

- any correspondence with the provider, understood to be EE including investigations on the charges

We hold emails between EE and the Scottish Parliament.

As has been stated publicly already, on receipt of the bill, the Parliament challenged EE over the scale of the data fees and over the late warning to the rising cost, but the company declined to meet or waive any of the charges.

In light of the investigation referred to above, we are unable to disclose the information requested as we consider this information to be exempt from disclosure in terms of section 35(1)(g) and (2)(b) and section 30(c) of

FOI(S)A. Full reasons for the use of these exemptions are set out in the attached refusal notice.

The correspondence also includes details of how the charge is calculated (units and unit price). For the same reasons as set out in response to the first request, we are unable to provide information about the unit price for the data consumed as we consider this information to be exempt from disclosure in terms of section 33(1)(b) of FOI(S)A – where disclosure would be prejudicial to the commercial interest of any person.

Full reasons for the use of these exemptions are set out in the attached refusal notice.

- any responses provided by Mr Matheson or his office in relation to the costs

In light of the investigation referred to above, we are unable to disclose the information requested as we consider this information to be exempt from disclosure in terms of section 35(1)(g) and (2)(b), section 30(c) and section 38(1)(b) of FOI(S)A. Full reasons for the use of these exemptions are set out in the attached refusal notice.

- whether the iPad was used for any non-parliamentary purposes and whether the data cost of this has been calculated

The EE Bill has been published on the Parliament's FOI disclosure log at the following link:

[EE Bill for Morocco Data.xlsx \(parliament.scot\)](#)

The Member made a personal statement in the Chamber on 16 November 2023 outlining the purposes for which the iPad was used while on holiday in Morocco. The Member's statement is publicly available in the Official Report of Parliamentary Proceedings which can be accessed here:

[Meeting of the Parliament: 16/11/2023 | Scottish Parliament Website](#)

- any policy documents governing the use of Parliament-issued technology hardware.

The "MSPs: use of parliamentary resources" applies to MSPs and is publicly available at the following link:

[MSPs: use of parliamentary resources | Scottish Parliament Website](#)

Information is also available in the Code of Conduct for Members which is available at the following link: [Section 7: General conduct of MSPs | Scottish Parliament Website](#)

As this policy and the Code of Conduct are publicly available, we have attached a section 25 notice in terms of the technical requirements under FOI(S)A.

- I note that a full investigation has been requested. Should this progress then I would be pleased to defer this FOISA request or to have it modified such that it is fulfilled by existing investigations.

In accordance with para. 40 of the Scottish Information Commissioner's guidance, "[t]he information to be given by the authority is that held by it at the time the request is received." We cannot treat a request for information as applying at a date after it is received.

Please refer to Scottish Parliamentary Corporate Body Question Time on 23 November 2023, where it was stated that "We will seek to conclude our investigations promptly, and our findings will be published."

[Meeting of the Parliament: 23/11/2023 | Scottish Parliament Website \(parlamaid-alba.scot\)](https://www.parliament.scot/parlamaid-alba.scot)

In keeping with our FOI procedures, this information may also be posted on the Parliament's disclosure log (usually within 24 hours). For further details on the Parliament's Disclosure Log and the information released under FOI, visit:

[FOI Request Disclosure Log | Scottish Parliament Website](#)

The supply of information under FOI does not constitute permission for its use in a way that would infringe copyright

<https://www.parliament.scot/about/copyright>

We would welcome feedback or comment on how we handled your request.

Please feel free to contact the Head of Information Governance at

foi.officer@parliament.scot

Please find below Annex A, which explains how we handle FOI requests and reviews.

We are currently working remotely and so would ask you to contact us by email at foi.officer@parliament.scot

Yours sincerely,

Robin Davidson
Head of Information Governance

REQUESTS MADE UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

How we handle FOI requests

Information on how we handle FOI requests is available on the Parliament's website at:

[Privacy notice: Information rights: Freedom of Information request handling | Scottish Parliament Website](#)

Alternatively, please contact the Public Information & Resources Team to request a copy.

<https://www.parliament.scot/contact-us>

Review

If you are dissatisfied with the way in which we have dealt with your request for information, you can ask us to review our decision and actions. You must do this in writing (or other permanent form) within 40 working days of the date of this letter, stating the reasons for your dissatisfaction, and we will respond within 20 working days of receipt. A request for a review should be made to the Head of Information Governance:

Post: Head of Information Governance
The Scottish Parliament
Edinburgh
EH99 1SP
Telephone: 0131 348 5281

We welcome calls using the Text Relay service or in British Sign Language through [contactSCOTLAND-BSL](#).

E-mail: foi.officer@parliament.scot

Application to the Scottish Information Commissioner

If, on the outcome of any review, you are still dissatisfied, or if we are unable to resolve any other complaint, then you can contact the Scottish Information Commissioner:

Post: The Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Email: enquiries@itspublicknowledge.info

Telephone: 01334 464610

Website: www.itspublicknowledge.info

A decision by the Scottish Information Commissioner may be appealed on a point of law to the Court of Session.

Copyright in relation to information provided

The supply of information under FOI does not constitute permission for its use in a way that would infringe copyright. Where relevant you should obtain permission from the copyright holder before any such use.

Feedback or comment

We would welcome feedback or comment on how we handled your request. Please contact the Head of Information Governance.

Data Protection

If you wish to find out more about how we use your personal data then you can access our Privacy Notice at the following link:

[Privacy notice: Information rights: Freedom of Information request handling | Scottish Parliament Website](#)

Complaints

If you are dissatisfied with the way in which we dealt with your enquiry, then you may wish to raise the matter with Public Information and Resources.

How to contact us

Post: The Scottish Parliament
Edinburgh
EH99 1SP

Telephone: 0131 348 5000
0800 092 7500 (Public Enquiries)
0131 348 5395 (Gàidhlig)

We also welcome calls using the Text Relay service or in British Sign Language through [contactSCOTLAND-BSL](#).

E-mail: info@parliament.scot