



Scottish Information
Commissioner
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Ms Ann Southwood
Principal
Newbattle Abbey College
Newbattle Rd
Dalkeith
EH22 3LL

17 March 2009

Dear Ms Southwood

I am writing to apologise for the incorrect inclusion of Newbattle Abbey College in a list published by The Scotsman (17 March) of those bodies which had not responded to a research survey conducted by my office. This was based on inaccurate information supplied by my office, when responding to a request from the journalist.

The background to this was that a questionnaire had been issued to all universities, colleges and NHS health boards as well as to a sample of GPs. This asked for information about the recording of requests under the Freedom of Information (Scotland) Act 2002. The in-house researcher maintained a spreadsheet showing which bodies had not responded to the questionnaire. A reminder was issued to those institutions and a number of responses were then forthcoming from some, including from Newbattle Abbey College.

It would appear, however, that the spreadsheet was not fully updated to reflect this and although it is the case that several organisations still failed to respond to both the request for information and the reminder nevertheless the list inaccurately still included some such as yours which had responded.

The report, *Information requests to the health and higher /further educations sectors* which included the quantitative data from the survey (as well as much more from detailed qualitative interviews) made only passing reference to the number of bodies which had not responded. The report does not identify those who failed to reply. I have no interest in 'naming and shaming' especially as the report was intended to provide a platform for discussion with the sector about how information requests are identified and recorded.

However when the report was published on my website my office was contacted by the journalist who was interested in the response rate and asked to be provided with a list of those who had not responded. As described above she was provided with an out of date spreadsheet, which then formed the basis of her critical article. The error only became apparent when some colleges contacted my office.

Kevin Dunion OBE, Scottish Information Commissioner
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I am very sorry that this has occurred. I do appreciate the wholly understandable annoyance which the resulting article will have caused you. I have written a letter to The Scotsman to correct the error and have also withdrawn the research to be revised and posted an apology on my website.

I will of course be seeking to establish how the research failings could have occurred, but in the meantime I can only apologise for its occurrence and resulting consequence.

If you wish to discuss any aspect of this do not hesitate to contact me.

Yours sincerely,

Kevin Dunion