



Our Reference: 202600510916

23 April 2026

Further to my letter of 31 March 2026, I have now completed my review of our response to your request dated under the Freedom of Information (Scotland) Act 2002 (FOISA) for:

1. *The full membership of the Court Fee Working Group, including names, roles, and the organisations represented.*
2. *The terms of reference or remit governing the Working Group.*
3. *The date the Working Group was established and the schedule of meetings held or planned.*
4. *Any agendas, minutes, briefing papers, or reports produced by or for the Working Group from 1 January 2025 to the date of this request.*
5. *Any discussion papers, briefing notes, or policy papers provided to the Working Group relating specifically to, but not limited to:*
  - a. *court transcript fees*
  - b. *access to transcripts for criminal defendants*
  - c. *exemptions or reductions in transcript fees*
6. *Any equality impact assessments, access to justice assessments, or similar analyses provided to the Working Group.*
7. *Any correspondence between the Scottish Government and the Scottish Courts and Tribunals Service relating to the establishment or remit of the Court Fee Working Group.*

I have been asked by Director of Justice to respond to your review request because I was not involved in handling your original request.

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I have concluded that a different decision should be confirmed with modifications. We are maintaining our reliance on the application of section 17(1) of FOISA to some of the information. This means that we do not hold some of the information requested. However, as explained below after re-examining your request, I can confirm I am releasing information.

Further to this I would like to apologise on three counts:

1. Firstly, in our original response we failed to provide formal notice under 17(1) of FOISA for which I apologise. The Scottish Government do not hold information particular to your requests (1) to (6). This is a formal notice under 17(1) of FOISA that the Scottish Government does not hold that information you have requested.

2. The Scottish Government do hold information in respect of (7). I apologise as this information was not identified as part of responding to your original request. This information can now be found at **Annex A**, in this instance the Scottish Government cannot provide some of the information you have requested because an exemption applies to some of the information for release.

While our aim is to provide information whenever possible, an exemption under section 38(1)(b) of FOISA (personal information) applies to a small amount of the information requested because it is personal data of a third party, ie names/contact details of individuals, and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

In addition, some of the correspondence between the Scottish Government and SCTS within Annex A does not relate to the establishment or remit of the Court Working Group. This information is marked: 'This information falls out with the scope of the request'.

3. Thirdly, in conducting this review, I note that the Scottish Government has previously stated publicly that "a Court Fee Working Group has been established to examine the structure and operation of court fees". I apologise if this wording has given rise to some confusion. The intention was to reflect that preparatory work was underway, rather than that a working group had been formally established or had commenced activity. Responsibility for establishing and leading the Court Fee Working Group rests with the Scottish Courts and Tribunals Service (SCTS). The working group has not yet been formally established or become operational. As the Scottish Government does not lead this work and has no operational role in the establishment of the group, it does not hold information relating to its structure or operation. Accordingly, no information was held by the Scottish Government that was relevant to your request of 15 March 2026 (1) to (6).

You may wish to contact SCTS at: [foi@scotcourts.gov.uk](mailto:foi@scotcourts.gov.uk).

On 25 March 2026 you requested that the review:

1. *Clarifies whether preparatory, draft, or internal material exists relating to the establishment of the Court Fee Working Group*
2. *Reconsiders whether such material falls within the scope of my original request*
3. *Identifies and discloses any such information, subject to appropriate redaction where necessary*

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I understand that this relates to information you requested on 25 March 2026 concerning:

- *The decision to establish the Working Group*
- *Internal discussions, emails, or correspondence leading to its creation*
- *Draft terms of reference or scoping documents*
- *Early policy papers or briefing materials relating to court fees or transcript access*
- *Any preliminary analysis of transcript fees, access to justice, or impacts on criminal defendants*

We determined that this request should be treated as a new request under FOISA as it relates to new information. You will receive a separate response in respect of this information.

If you are unhappy with the outcome of this review you have the right to appeal to the Scottish Information Commissioner about our decision within 6 months of receiving this letter. Information on how to make an appeal, along with an application form, is available on the Commissioner's website at: [Appeal to the Commissioner | Scottish Information Commissioner](#). You can also contact the Commissioner at:

The Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS  
Email: [enquiries@foi.scot](mailto:enquiries@foi.scot)  
Telephone: 01334 464610

Should you then wish to appeal against the Commissioner's decision, there is a right of appeal to the Court of Session on a point of law only.

Yours sincerely

Calum Jones  
**CLLS : Courts and Tribunals**

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St Andrew's House, Regent Road, Edinburgh EH1  
3DG  
[www.gov.scot](http://www.gov.scot)



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