



Our Reference: 202600515424

14 May 2026

REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)

Thank you for your request dated 23 April 2026 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked for any internal briefing, drafting note, submission, legal advice, policy note, internal correspondence, or recorded discussion that explains why the terms “victim”, “survivor”, “complainer”, or any similar terminology were used in the Victims, Witnesses and Justice Reform (Scotland) Bill factsheet and policy memorandum, created, sent, or received between 1 January 2023 and 31 December 2025.

Response to your request

I enclose a copy of some of the information you requested in the annex sent along with this response. While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested because exemptions under sections 30(b)(ii) (free and frank exchange of views), 36(1) (legal advice) and 38(1)(b) (personal information) of FOISA applies to that information. The reasons why these exemptions apply are explained below.

Section 30(b)(ii) - Free and frank exchange of views

This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank exchange of views. This exemption recognises the need for officials to have a private space

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



within which to discuss issues and options with each other before reaching a settled Scottish Government view. Taking into account of all the circumstances of this case, we have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in allowing a private space within which to communicate internally and with external stakeholders as part of process of exploring both the positions of the government and the stakeholders on the issue. This private space is essential to enable all options to be properly considered, before decisions can be taken based on fully informed discussions, advice and evidence. Disclosure is likely to undermine the full and frank discussion of issues between officials, which in turn will undermine the quality of the policy making process, which would not be in the public interest.

Section 36(1) - Confidentiality of communications (legal advice)

This exemption applies because this information is subject to legal professional privilege. Taking into account of all the circumstances of this case, we have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is some public interest in release as part of open and transparent government, and to inform public debate. However, this is outweighed by the strong public interest in maintaining the right to confidentiality of communications between legal advisers and clients, to ensure that ministers and officials can receive legal advice in confidence like any other public or private organisation.

Section 38(1)(b) - Third party personal information

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.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to the Director of Justice C/O FOI@gov.scot and C/O this postal address: FOI Unit 1E.10, St Andrew's House, Regent Road, EDINBURGH EH1 3DG. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review in accordance with FOISA as soon as possible, and not later than 20 working days from the day following the date we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at: [Appeal to the Commissioner | Scottish Information Commissioner](#)

Yours sincerely



Lucy Lawson
CRIMJUS : Criminal Law, Practice and Licensing Unit

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1
3DG
www.gov.scot



INVESTORS IN PEOPLE™
We invest in people Silver

