

13 January 2017

Dear Mr Jefferson

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

Thank you for your request dated 9 December 2016 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked for:

'Your department is listed in schedule 4 'RELEVANT PUBLIC AUTHORITIES AND DESIGNATED SENIOR OFFICERS ETC' of the Investigatory Powers Act 2016 (linked to here <http://freepdfhosting.com/64c5f91342.pdf> - please provide a file format you can read if you cannot read this).

Please kindly provide information held on file (if any) which explains why your department needs access to the data gathered in the Investigatory Powers Act 2016'.

Response to your request

Food Standards Scotland (FSS) provided the following information to the Home Office in its application for Investigatory Powers:

FSS is a non-ministerial office within the Scottish Administration under the Food (Scotland) Act 2015 (Consequential Provisions) Order 2015, the equivalent in Scotland to a Non-Ministerial Department. FSS is responsible for food safety and hygiene in Scotland. It works with businesses to help them produce safe food and with local authorities to enforce food safety and hygiene regulations. The relevant FSS objectives are

- to protect the public from risks to health which may arise in connection with the consumption of food;*
- to protect the other interests of consumers in relation to food.*

Following the recommendations of a number of reviews into the horsemeat incident and specifically those made in a study carried out by an Expert Advisory Group (Scudamore), Scottish Ministers asked the FSS Chief Executive Officer to implement the Scudamore recommendations and, in particular relevance to this business case, design, develop and implement a food crime and intelligence unit capability for Scotland within FSS.

Access to communications data (CD) is necessary to enable the Scottish Food Crime and Incidents Unit (SFCIU) to perform its core function, as detailed above, in Scotland, in order to prevent and detect crime and to protect public health. Specifically, with the unit's focus on the more organised elements of serious food crime, CD will establish links between unconnected offenders operating across geographical boundaries. In doing this, CD will allow the SFCIU to establish the full extent of criminality in an investigation, ensuring all parties involved are identified.

To provide context to the above, FSS applied for investigatory powers because it considers that it may be necessary in some targeted investigations for the SFCIU to have access to communications data to identify offenders and their criminal activity.

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 Mr Geoff Ogle, Chief Executive, Food Standards Scotland, 4th floor, Pilgrim House, Aberdeen AB11 5RL, email [REDACTED]. 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 and tell you the result, within 20 working days from the date when 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 rights is available on the Commissioner's website at: www.itspublicknowledge.info.

Yours sincerely

Stuart Keith
Correspondence Officer
Food Standards Scotland