

[redacted]  
[redacted]

Our Ref 2022\_FOI\_001

Date 19 August 2022

Dear [redacted],

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

Thank you for your request dated 27 July 2022 under the Freedom of Information (Scotland) Act 2002 (FOISA). You asked for information on:

*“human rights due diligence checks your organisation has conducted since the publication of the Scottish Government document, Guidance on due diligence: human rights, detailing in each case whether or not you proceeded within investment relationship or business agreement following the undertaking of these checks. Please also detail any instances of non-compliance with the guidance that have been reported”.*

Consumer Scotland was established in April 2022 as an independent Non-Ministerial Office. We have a shared services contract for procurement with the Scottish Government. To date all of Consumer Scotland’s procurement activities have been carried out on our behalf by Scottish Government under that contract.

Consumer Scotland staff are involved in the Technical evaluation, which forms part of the contract award criteria. However we are not involved in the selection stage which considers the suitability of bidding organisations. The Scottish Government Procurement Team operate proportionately within the existing regulations and the linked guidance [Reducing the risk of human trafficking and exploitation in the performance of public contracts: SPPN 3/2020 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/sppn-3-2020/html/)

Since its establishment Consumer Scotland has entered into a business agreement with Citizens Advice Scotland to provide grants to support a programme of work, but has not entered into any investment relationships which would require human rights due diligence checks to be undertaken as set out in the published Scottish Government guidance. This guidance would be included as part of the procurement process were we considering doing so in the future.

Consumer Scotland was not previously aware of this guidance and has no record of being notified of it by a representative of the Scottish Government since vesting on 1st April 2022. We have recently been made aware that this guidance was notified to Public Bodies before Consumer Scotland came into existence.

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:

Sam Ghibaldan,  
Chief Executive  
Consumer Scotland  
Meadowbank House,  
153 London Road,  
Edinburgh,  
EH8 7AU

Or by email to: [corporateservices@consumer.scot](mailto:corporateservices@consumer.scot)

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:

<https://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Yours sincerely

*Hilary Tennant*

Freedom of Information Officer  
Consumer Scotland