

Environmental Standards Scotland
Ìrean Àrainneachdail na h-Alba

ENVIRONMENTAL
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Ìrean Àrainneachdail na h-Alba

Alasdair Dewar
Freedom of Information Officer
foi@environmentalstandards.scot
0808 1964000

[Redacted]
[Redacted]

12 August 2022

Our ref: ESS.FOI.003

Dear [Redacted],

Thank you for your email of 27 July 2022 to Environmental Standards Scotland requesting information under the Freedom of Information (Scotland) Act 2002. The information which you requested is as follows:

Request:

Please give me a list of 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 with an 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. If unable to provide such a list, please confirm for me whether your organisation was previously aware of or has ever given consideration to this guidance, including whether you are aware of having been notified of it by a representative of the Scottish Government or other public body.

Response:

The 'Guidance on due diligence: human rights', sets out how Scottish Government, executive agencies and non-departmental public bodies should undertake appropriate due diligence on companies before entering into an investment

relationship with them. Environmental Standards Scotland (ESS) has not established any investment relationships since vesting on 1 October 2021.

ESS has been made aware of this guidance. Letters from the Director for International Trade and Investment were sent to the ESS Interim CEO on 21 December 2021 and 8 March 2022, related to relationships with businesses operating in occupied Palestinian territories and with Russian businesses, alongside guidance on aligning with the Scottish Government position on sanctions respectively.

Request:

Please also tell me how many investment relationships or agreements your organisation has engaged in since June 2018. This request relates to the types of relationship outlined in the aforementioned guidance as meriting a due diligence check: “any activity which could lead to an investment relationship or agreement with a third party” (source: [Guidance on due diligence: human rights - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/guidance-on-due-diligence-human-rights/pages/introduction.aspx)).

Response:

As above, ESS has not established any investment relationships since vesting on 1 October 2021.

If you are unhappy with this response to your request under the Freedom of Information (Scotland) Act 2002, you may ask us to carry out an internal review of the response by writing to:

Mark Roberts
Chief Executive Officer
Environmental Standards Scotland
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HD
Email foi@environmentalstandards.scot

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the due 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 appeal rights is available on the Commissioner's website at:

[Appeal to the Commissioner | Scottish Information Commissioner \(itspublicknowledge.info\)](https://www.scot.nhs.uk/itspublicknowledge/info)

Yours sincerely,

Alasdair Dewar
Freedom of Information Officer
Environmental Standards Scotland