



Freedom of Information (Amendment) (Scotland) Bill

Bill Number: SP Bill 14
Introduced on: 30 May 2012
Introduced by: Bruce Crawford
Passed: 16 January 2013
Royal Assent: 19 February 2013
[2013 asp 2](#)

Passage of the Bill

The [Freedom of Information \(Amendment\) \(Scotland\) Bill](#) (SP Bill 14) was introduced by Bruce Crawford, the Minister for Community Safety and Legal Affairs, on 30 May 2012.

The Finance Committee was designated as the lead committee for the Bill on 6 June 2012. The Committee issued a general call for written evidence on 14 June 2012. The Committee held oral evidence sessions on 5 and 12 September 2012 and discussed its draft Stage 1 report in private on 24 and 31 October 2012.

The Committee published its [Stage 1 report](#) on 2 November 2012.

The [Stage 1 debate](#) in the Parliament was held on 15 November 2012.

The Bill was considered at [Stage 2](#) by the Finance Committee on 5 December 2012 and the [Bill as amended](#) at Stage 2 was published on 6 December 2012.

The [Stage 3 debate](#) took place, and the Bill was passed, on 16 January 2013.

Royal Assent was received on 19 February 2013.

Purpose and objectives of the Bill

The Bill was a technical bill which, in the Government's words, set out to remedy weaknesses which it had identified in the Freedom of Information (Scotland) Act 2002 (FOI(S)A).

Provisions of the Bill

The Bill as introduced sought to:

- give Scottish Ministers enhanced powers to reduce the lifespan of historical records, so there could be varying lengths of time for different public bodies or for different kinds of records
- clarify that information which is provided in a body's publication scheme does not also have to be provided in response to an FOI request
- allow authorities to issue, in reply to a request for information concerning personal information, a 'neither confirm nor deny' response
- allow prosecution for offences, under Section 65 of FOI(S)A, to be made up to six months after sufficient evidence has been amassed, rather than six months after commission of the offence
- create an absolute exemption for communications with Her Majesty, the heir and the second in line to the throne.

Parliamentary consideration

At Stage 2, in response to consultation responses, the Committee's report and to the Stage 1 debate, the Government introduced an amendment to remove the provisions relating to the creation of a royal exemption.

The Government also introduced an amendment for a new section 1, to ensure that the FOI legislation can be updated, after appropriate consultation by the Government, and extended to include more public service bodies.

The new section 1 also required the Government to report to the Parliament on its use, or non-use, of the power to designate new bodies covered by the FOI(S) Act. Initially this requirement was to present a report on or before 30 June 2016 and then every three years.

At Stage 3 the Government introduced amendments so that the first report, on the use or non-use of the power, would be laid before Parliament by 31 October 2015, and thereafter every two years.