What is your general view on the purpose of the Bill and broadly, are you supportive of it?

1. We support the reforms included in the draft bill.

Did you take part in the Scottish Government’s consultation on the Bill and how have your views been reflected?

2. We considered responding but the consultation and draft bill were very narrow in scope and the points we considered making could not be included in the draft bill or raised in response to the specific consultation. As the committee is debating the general principals of the bill at stage one it is an opportunity to point out wider aspects that could have been considered in the draft bill.

The Scottish Government believes the Bill will add strength and clarity to the Freedom of Information (Scotland) Act 2002. Do you agree? Does the Bill protect the rights to access information?

3. While the proposed bill does strengthen the Act it fails to address two concerns we have about Freedom of Information, FoI. In line with many other organisations we believe the Act should be extended to cover the provision of public services rather than just public bodies. It is an anathema that a public body is covered by the Act but a private body carrying out the same duties is not. Also with increasing outsourcing and privatisation, public bodies are using commercial sensitivity to block freedom of information requests. Universities are covered by the Act even though they are not strictly public bodies but autonomous organisations. Our second point is about a threat to our members’ work as there has been a recent case where the Act has been used to obtain sensitive research data which has yet to be published. As public funded bodies, universities are rightly covered by the freedom of information Act but much of the research they undertake can be commercially and socially sensitive. Further all researchers’ academic freedom is protected in law in Scotland and this protection extends to when and how research is published. The recent example of the threat to academic freedom posed by the demand of Philip Morris International for information about the research on young people and smoking conducted by Gerard Hastings of Stirling University is a case in point. See University fights Philip Morris tobacco research bid. This sensitive information was collected on the understanding the surveys remained anonymous and the research was intended to help health outcomes. However, the company demanded this sensitive information for commercial reasons with no regard to the academic freedom of researchers to decide how and when to publish the findings. A key issue for researchers is that social studies have to get ethical approval before going ahead – and the promises of anonymity and confidentiality to respondents (in this case children) are a condition of this approval. It seems very wrong that FoI legislation should be able to supersede these ethical provisions – or to put it the other way round we would seek a provision to the legislation that FoI cannot supersede ethical approval for any academic research.
4. To protect academic freedom and sensitive research we believe that research findings should be exempt from the FoI Act.