



Katy Clark MSP
Member of the Scottish Parliament for West Scotland Region

16th October, 2025

FAO Stuart McMillan MSP,

Dear Stuart,

Thank you for your letter dated 2 October relating to the proposal for a resolution making power of the Scottish Parliament to designate Scottish public authorities in my Members Bill. The Bill and the proposed power are intended to address the outstanding recommendation of the May 2020 Public Audit and Post Legislative Scrutiny report in relation to proactive publication and allow the Scottish Parliament to take the initiative, where Scottish Ministers have failed to act, although the Parliament would not be able to go beyond the scope of the Freedom of Information (Scotland) Act 2002.

This Bill is being brought forward to deliver on the intentions of the 2002 Act to ensure that taxpayer paid for public services are provided with transparency and openness, and are compliant with freedom of information principles, particularly given the changed nature of how public services have been delivered over the years, and the power to enable the Scottish Parliament to designate a body is to enable this.

The power is framed as a resolution making power to remove the need for primary legislation when Parliament decides to designate a body after a relevant Committee of the Parliament has taken evidence and given due consideration to the matter, and the Parliament has decided to agree with a recommendation of such a Committee, that it is appropriate to designate a body as a Scottish public authority which should be compliant with freedom of information requirements.

I hope this adequately responds to the query from the Committee, but please do not hesitate to contact me if there is any further information that is required.

I am grateful to you for raising this matter.

With very best wishes,

Katy Clark MSP
Member of the Scottish Parliament for West Scotland Region



The Scottish Parliament
Pàrlamaid na h-Alba