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13 February 2026

Dear Martin

Freedom of Information Reform (Scotland) Bill

I would like to thank the Committee for its thorough and comprehensive Stage 1 report on the Freedom of Information Reform (Scotland) Bill. It is clear that the Committee has taken great care to consider the detailed proposals within the Bill and the views of those who gave evidence to the Committee. I am also grateful to the Member in charge, Katy Clark MSP, for the contribution the Bill has made to the discussion of FOI rights in Scotland.

Ministers have sought to engage constructively with the Bill at Stage 1, whilst highlighting those aspects of its proposals which we consider would require amendment during the legislative process.

I accept the Committee's recommendation that in view of the various aspects of the Bill on which further work would be required, and in view of the lack of time available for that work to be completed within the current session, the Parliament should not agree to the general principles of the Bill at Stage 1. The Scottish Government will therefore not support the Bill at Stage 1.

I note also the Committee's clear view that legislation to update to freedom of information law in Scotland is now needed. Should the Parliament accept the Committee's recommendation not to agree to the general principles of the Bill, it will be for Ministers in the next session to consider that matter further and to determine any appropriate next steps, working with the new Parliament.

I previously set out the Scottish Government's detailed views on the Bill's proposals in my memorandum to the Committee on 13 November 2025. Those views have not changed. However, the Annex to this letter sets out a further Scottish Government response to each of the conclusions within the Committee's report.

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Specific recommendation in relation to use of Stage 1 debate

The report makes one direct and immediate recommendation for the Scottish Government: that it should use the Stage 1 debate on the Bill as an opportunity to set out how it will prioritise the making of designations beyond its current consultation in respect of private and third sector care providers. I will of course be happy to speak to that issue during the Stage 1 debate. However, it may be helpful to comment here also.

Scotland has the most robust FOI laws in the UK, and we will ensure these continue to work effectively to enable access to information about government and public services.

Building on that, I would emphasise the significance of the work in which the Scottish Government is currently engaged, looking at extension of FOI law to private and third sector providers of care home and 'care at home' services. This work could see around 2,000 services, delivered by around 1,000 distinct organisations, become subject to FOISA. This would represent a significantly larger group of bodies than any of the other five sectors to which this government has extended FOI law previously.

Our decision to consult on this is as a result of the expressed concerns of a number of stakeholders, including the Scottish Information Commissioner, about asymmetry of rights between care services provided in the public sector and those provided by private or third sector organisations. It will be for Ministers and Parliament in the next session to determine next steps in light of the outcomes from that consultation.

It will also be for Ministers in the next session to set out a detailed approach to the future use of Ministers' extension powers beyond that current exercise.

This government's view is that following outcomes from the current consultation in the care sector, Ministers should set out a programme of work for considering extension in other areas in which private and third sector organisations play a role in the delivery of services. In doing so, they should draw on outcomes arising from the 2019 consultation on further extension, the public consultation in 2022-23 on Access to Information rights in Scotland as well as issues raised in discussion of the current Bill..

It is the Scottish Government's view that extension of FOI law should be considered where there are grounds for concern that information about the delivery of public services is not sufficiently accessible through the exercise of existing FOI rights. Generally, extension should be taken forward where doing so will add meaningfully to the ability of members of the public to access information about the relevant service and to hold the organisations responsible for its delivery to account. We should take a proportionate approach, recognising that designating any organisation as a Scottish public authority under FOISA brings with it a clear set of obligations which do place demands on the resources of that organisation.

Yours sincerely



GRAEME DEY

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SCOTTISH GOVERNMENT DETAILED RESPONSE TO STAGE 1 REPORT CONCLUSIONS

Paragraphs	Topic	Stage 1 Report conclusions	Scottish Government response
23-25	General entitlement: a presumption in favour of disclosure	<p>The Committee notes the arguments in favour of this proposal, but it is not convinced of the necessity or material effect of the change given that section 1(1) of the FoI Act makes it clear that information should be disclosed to individuals requesting information from a public authority. The FoI Act's section 60 code of practice additionally notes there is a presumption in favour of disclosure under the freedom of information regimes.</p> <p>The Committee notes the Commissioner's view that promotion of a culture and practice of a presumption in favour of disclosure alongside the section 15 provisions of this Bill may be a preferable approach.</p> <p>We refer to our overall conclusions on the appropriateness of a Member's Bill being the vehicle for such reform.</p>	<p>The Scottish Government notes the Committee's comments on this matter, which broadly reflect its own views set out in its memorandum to the Committee on 13 November.</p> <p>The Scottish Government maintains an open minded position in relation to whether the addition of provisions <i>explicitly</i> requiring a presumption in favour of disclosure would add any value to the legislation.</p> <p>However, the Scottish Government is clear that the existing provisions of the legislation do in fact already create a presumption in favour of disclosure, subject to the exemptions listed elsewhere in the legislation.</p>
31	Further powers to designate Scottish public authorities: considerations of the	The Committee has no concerns about this proposal for the Scottish Government to be required to consider proposals from the Commissioner when deciding whether to designate a public body.	The Scottish Government set out in its memorandum to the Committee on 13 November 2025 that it also has no concerns about this proposal from a policy perspective.

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	Commissioner's proposals		
46-50	<p>Further powers to designate Scottish public authorities:</p> <p>Power of the Parliament to designate Scottish public authorities</p>	<p>The Committee notes the arguments in favour of this proposal to provide an additional avenue for the designation of public bodies.</p> <p>However, the Committee does not think the process by which the Parliament would initiate, consider, and decide on whether a public authority would be designated has been sufficiently considered or laid out in the Bill. Therefore, we are not able to take a view on whether this power would speed up the process of designation or result in more bodies being designated. Any such process should be set out and clarified in legislation before it may be reflected in the Parliament's Standing Orders.</p> <p>We are also conscious that it would likely be a significant undertaking for a parliamentary committee to allocate appropriate time and resources to its consideration of designating a public body.</p> <p>The Committee notes Ms Clark's view that this power would likely be used sparingly. The Committee notes the Scottish Government's view that the designation process commands strong ministerial interest and that it has concerns that the Parliament may not deliver the same degree of robustness in considering the designation of a public body. However, we refer</p>	<p>The Scottish Government welcomes the Committee's conclusions in relation to this issue. The Scottish Government maintains the position set out in its memorandum dated 13 November 2025 that designation of further bodies as Scottish public authorities in terms of FOISA is not a suitable area for 'law-making by resolution'.</p> <p>The Scottish Government also agrees with the Committee that areas of uncertainty remain regarding how such a resolution-making power would be exercised in practice.</p> <p>Therefore, should the Bill proceed past Stage 1, the Scottish Government would seek to remove these measures from the Bill.</p> <p>As set out in my letter to the Committee above, the Scottish Government is currently consulting on a significant extension of FOI obligations in the care sector. Decisions on further extensions will be for the next Parliament, but Ministers accept that there is a case for considering further extensions.</p>

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		<p>the Scottish Government to the evidence heard regarding the apparent slow pace of designations and the recent lack of use of the designation process.</p> <p>The Committee recommends that the Scottish Government takes the opportunity of the Stage 1 debate to set out how it will prioritise the making of designations beyond its current consultation in respect of private and third sector care providers.</p>	
56	Extending the definition of publicly owned companies	<p>The Committee considers this proposal to be a technical change which addresses an anomaly in the FoI Act. The Committee is of the view that it is right approach to extend designation to companies that are jointly owned by the Scottish Government and other public authorities.</p>	<p>As set out in its memorandum to the Committee on 13 November 2025, the Scottish Government supports this measure in principle. The Scottish Government therefore welcomes this conclusion of the Committee.</p> <p>As mentioned in my evidence to the Committee on 20 November 2025, the position of Research Data Scotland is being considered as a possible example of a company whose status in relation to FOISA may be affected by the current structure of section 6 of FOISA.</p>
	Reports on the use of section 5 powers	<p>The Committee notes the evidence that this proposal would provide for parliamentary scrutiny of the Scottish Government's decisions regarding the use of the section 5 duty of the FoI Act.</p>	<p>The Scottish Government notes the Committee's conclusions in this regard. The Scottish Government maintains the neutral position on the essence of this proposal, as previously set out in its minute to the Committee dated 13 November 2025.</p>

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		<p>We note that the provision would allow for only 20 sitting days for the Parliament to consider, debate, and decide on whether to approve a section 5 report, and we think further consideration is needed as to whether this is an appropriate period for effective scrutiny.</p> <p>The proposal is also unclear on what would happen if the Parliament did not agree to approve the section 5 report, particularly with regard to whether there would be any obligations on the Scottish Government following such a decision.</p> <p>As with our view on the power proposed in section 2(2), the Committee is not persuaded that this provision would necessarily increase the pace of designation of public bodies.</p>	<p>However, the Scottish Government agrees with the Committee that further consideration of the detail of the proposals would be required to ensure that it enhanced parliamentary scrutiny in an effective manner.</p> <p>Should the Bill proceed past Stage 1, the Scottish Government would give consideration to the need for amendments.</p>
70	Requesting information with an electronic address	<p>The Committee is content with the objective of this proposal, and we note that the Scottish Government may wish to propose changes to the drafting should the Bill progress beyond Stage 1.</p>	<p>The Scottish Government notes this conclusion of the Committee. As set out in its memorandum to the Committee dated 13 November 2025, the Scottish Government does not consider this measure to be necessary, since it is already generally accepted that FOI requests can be submitted using an electronic address.</p> <p>Nevertheless, were the Bill to progress beyond Stage 1 the Scottish Government would seek to work with the Member in Charge to ensure the terms of the provision are effective in delivering the Member's intention.</p>

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83-85	Pausing the 20 working-day time limit for compliance	<p>The Committee notes that some information requesters may have experience of public authorities using clarification requests as a delaying tactic.</p> <p>However, there is currently an absence of data with which to determine the extent to which public authorities have engaged in this practice. We are of the view that data on how and when public authorities seek clarifications would be essential in order to determine whether any proposal to pause the 20 working-day deadline would be an appropriate or effective solution.</p> <p>The Committee considers that this proposal would be a substantive change to the processes in place for considering and responding to information requests and that further work would be required in order to assess the effect that the proposed change would have and whether it would deliver the intended benefit to requesters. This would also be the case for any alternative proposal for changing the time limit for complying with requests or for seeking clarifications, such as that suggested by the Commissioner. The Committee refers to its overall conclusions on the appropriateness of a Member's Bill being the vehicle for such reform.</p>	<p>The Scottish Government welcomes the Committee's conclusions in this regard. As set out in its memorandum to the Committee dated 13 November 2025, the Scottish Government recognises the frustration that delayed requests for clarification can cause to requesters. However, the Scottish Government agrees with the Committee that there is a lack of data regarding the prevalence of this issue.</p> <p>The Scottish Government remains unpersuaded that there is a need for legislative change in this area. Should the Bill proceed past Stage 1, the Scottish Government would therefore seek to remove these measures from the Bill.</p>
91-92	Reducing the time limit for compliance for	The Committee notes the arguments in favour of reducing the time limit for compliance for grant-aided and independent special schools.	The Scottish Government welcomes the Committee's conclusion that it would be necessary to hear evidence from stakeholders who would be

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	grant-aided and independent special schools	<p>However, the Committee did not hear evidence from stakeholders on the effect this proposal may have on such schools. We think, therefore, that further consideration may need to be given to any potential impact on the affected designated bodies.</p>	<p>affected by this change before reaching any view in favour of a change to the status quo.</p> <p>The Scottish Government maintains the view set out in its memorandum to the Committee dated 13 November that the Freedom of Information (Scotland) Act 2002 (Time for Compliance) Regulations 2016 should remain. The regulations were introduced following a full public consultation in which the views of various stakeholders were heard.</p> <p>Should the Bill proceed past Stage 1, the Scottish Government would therefore seek to remove this provision from the Bill.</p>
106-109	Repealing the publication scheme duty and introducing a duty to proactively publish	<p>The Committee notes the broad consensus among stakeholders, and the Scottish Government, that the publication scheme duty is outdated and no longer fit for purpose. The Committee therefore considers that its repeal would be the correct approach provided a suitable alternative provision is developed.</p> <p>The Committee considers that the proposal to introduce a proactive publication duty would reflect the intention of the FoI Act. However, as with our view on the section 1 proposal, we are not persuaded that this change would, in itself, drive a change in culture towards information disclosure in public authorities.</p>	<p>The Scottish Government notes the Committee's conclusions in this regard and welcomes the attention paid by the Committee to the need to consider the workability and resource impact of changes in this area.</p> <p>The Scottish Government set out its own detailed concerns about the workability of the proposal as drafted in its memorandum to the Committee on 13 November 2025. The Scottish Government does not necessarily accept the view that the publication scheme duty is 'outdated and no longer fit for purpose'. We still consider the duty to fulfil a useful purpose in setting a clear basic standard for proactive publication by authorities. However, the Scottish Government would accept that a clearer set of benchmarks against which to design, plan</p>

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		<p>The Committee notes the evidence heard in favour of replacing the publication schemes with a code of practice on proactive publication. We note that further consultation with stakeholders on the content and function of the code would be required. We refer to the evidence on the uncertainty regarding the financial impact of the code on public bodies.</p> <p>We think it would have been helpful for the Committee and stakeholders for an indicative draft of the code of practice to have been provided along with the Bill. However, we accept that this would have required significant resource to develop.</p>	<p>and measure their approach to proactive publication could be of value for Scottish public authorities.</p> <p>The Scottish Government values the role already played by the Scottish Information Commissioner in promoting proactive publication through the setting of a model publication scheme and enforcement of the publication scheme duty. We accept that there could indeed be value in further development of the Commissioner's role in this area through a Code of Practice issued by the Commissioner, and underpinned by a new proactive publication duty.</p> <p>However, as set out previously the Scottish Government is clear that any such Code should have similar standing to the existing codes of practice issued by Ministers under sections 60 and 61 of FOISA, providing authorities with best practice guidance rather than new legally enforceable duties in addition to those provided for within FOISA.</p> <p>The Scottish Government is also clear about the need to carefully consider the terms of any proposed new proactive publication duty, to ensure it is proportionate and deliverable.</p> <p>Should the Bill proceed past Stage 1, the Scottish Government would seek to amend these provisions of the Bill to:</p> <ul style="list-style-type: none"> • Retain the existing publication scheme duty.
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			<ul style="list-style-type: none"> • Ensure the proactive publication duty is proportionate and workable. • Ensure the purpose of any new Code of Practice is to provide best practice guidance to authorities, and not to impose further enforceable legal obligations.
116-117	Exempt information	<p>The Committee notes the Commissioner was in favour of this exemption in Ms Clark's consultation and that providing a statutory basis for an exemption would add greater clarity to the status of information provided during investigations.</p> <p>We also note the Scottish Government's concerns about the drafting of the provision. The Scottish Government may wish to work with Ms Clark to resolve these concerns should the Bill progress beyond Stage 1.</p>	<p>The Scottish Government welcomes the Committee's conclusions in this regard. Should the Bill progress beyond Stage 1, the Scottish Government would indeed seek to engage constructively with the Member in Charge to ensure the measures deliver the Member's intended outcome.</p>
123	General functions of the Commissioner: Power to require individuals to give evidence to the Commissioner	<p>The Committee agrees with Ms Clark and the Commissioner that this proposal is necessary to enable the Commissioner to perform their functions.</p>	<p>The Scottish Government notes the Committee's conclusion in this regard. However, the Scottish Government maintains the view set out in our memorandum to the Committee that the Commissioner already has sufficient powers to compel the provision of information by Scottish public authorities, and that a further power to compel provision of information by individual officers, staff members or agents of authorities is not required.</p> <p>Should the Bill proceed beyond Stage 1, the Scottish Government would seek to remove these provisions from the Bill.</p>

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			<p>However, the Scottish Government also believes it has an obligation to highlight that the provisions as drafted may not deliver the Member's intention. It is clear from the Scottish Information Commissioner's written evidence to the Committee that he considers the purpose of this proposal as being to empower him to interview witnesses.</p> <p>The Scottish Government does not agree that the proposals as drafted would bestow that specific power. This is because:</p> <ul style="list-style-type: none"> • The provisions as drafted do not empower the Commissioner to specify the form in which information must be provided. • The provisions as drafted do not specify that information, in the context of the provisions, includes unrecorded information (section 73 of FOISA defines 'information' as 'recorded information' except where otherwise stated).
130-131	<p>Appeals about the handling of information requests by the Scottish Information Commissioner</p>	<p>The Committee notes the merits of this proposal for information requesters.</p> <p>We suggest that more detail would need to be provided on how the "firewall" within the Commissioner's office would work in practice and whether this would be sufficient to avoid the perception of a conflict of interest.</p>	<p>The Scottish Government notes the Committee's conclusions in this regard.</p> <p>The Scottish Government maintains a neutral position on the issue of repeal of the provisions of section 48(a), which prevent the Commissioner from considering appeals regarding the handling of information requests by his own office.</p>

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			However, the Scottish Government agrees with the Committee that should the Bill progress beyond Stage 1 it would likely be helpful to the Parliament to have a more detailed understanding of the internal measures that might be put in place within the Commissioner's office to avoid any perceived conflict of interest from arising.
139-141	Enforcement notices	<p>The Committee notes the challenges currently experienced by the Commissioner in seeking to promote compliance with the Codes of Practice.</p> <p>The Committee also notes the Scottish Government's argument for maintaining a clear distinction between statutory requirements and the advisory code.</p> <p>The Committee considers this issue would need detailed consideration by the Scottish Government, and we refer to our overall recommendations on this Bill.</p>	<p>The Scottish Government notes the Committee's conclusion in relation to the need for further detailed consideration of the issues raised by the proposal to make the codes of practice issued under FOISA legally enforceable.</p> <p>The Scottish Government maintains the position set out in its memorandum of 13 November, that the purpose of the codes should remain as it currently is – i.e to promote good practice in relation to the discharge of authorities' statutory obligations under FOISA, rather than to create new legal obligations.</p> <p>Should the Bill proceed beyond Stage 1, the Scottish Government would seek to remove these measures from the Bill.</p>
152-153	Exception from duty to comply with certain notices: repeal of the First Minister's "veto".	<p>The Committee notes the evidence that suggests the First Minister's veto power is an unnecessary safeguard.</p> <p>The Committee is not persuaded by the Scottish Government's argument that the power remains necessary as other safeguards are available regarding the disclosure of sensitive information.</p>	<p>The Scottish Government notes the Committee's conclusions in this regard.</p> <p>The Scottish Government reiterates the position set out in its memorandum of 13 November that it is open to considering the future of this aspect of the legislation which provides the First Minister with a limited power, in certain circumstances, to overrule a decision of the Commissioner in order to protect</p>

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			<p>information of exceptional sensitivity. The power has never been exercised.</p> <p>The Scottish Government set out in its memorandum to the Committee why it is not currently persuaded of the merits of a full repeal of the power. Furthermore, since the Freedom of Information Act 2000 provides an equivalent safeguard for other UK administrations, the Scottish Government would wish to be assured that any changes to the power would not affect the willingness of other administrations within the UK to share sensitive information with it.</p> <p>The Scottish Government would need to consider its approach further should the Bill proceed beyond Stage 1. However, it is likely that the Scottish Government would seek some amendment of the proposed approach.</p>
161	Failure to comply with a notice	<p>The Committee notes the Commissioner's arguments in favour of this proposal. We think the Commissioner should be better equipped to compel public authorities to comply with a decision notice on time, but we agree with the Scottish Government that further consideration is needed on the possible implications.</p>	<p>The Scottish Government notes the Committee's conclusion that further consideration of these issues is needed.</p> <p>The Scottish Government maintains the position set out in its memorandum to the Committee of 13 November that it is not persuaded of the case for this change.</p> <p>If the Bill should proceed beyond Stage 1 the Scottish Government would seek further clarity from the Member in charge and from the Commissioner on this issue. However, in the absence of a</p>

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			compelling justification being provided we would seek to remove these provisions from the Bill.
171-173	Freedom of Information officers	<p>The Committee sees merit in this proposal as a way to support culture change and to improve the standing of freedom of information compliance in public authorities.</p> <p>The Committee thinks freedom of information officers must have statutory authority within their organisations in order to support that objective.</p> <p>The Committee refers to the evidence, discussed later in this report, on the financial memorandum regarding the resourcing of this position by public authorities.</p>	<p>The Scottish Government notes the Committee's conclusions in regard to the Bill's proposal to create a new statutory of Freedom of Information officer within Scottish public authorities.</p> <p>The Scottish Government maintains the position set out in our memorandum dated 13 November that this is an interesting proposal which could have merit in enhancing the status of FOI compliance functions within public sector organisations. However, the Scottish Government notes that the financial information currently available is insufficient to allow a full and reliable assessment of the proposal's impact across the wide range of organisations that would be affected.</p> <p>In our memorandum of 13 November I set out our view that any concerns about regulatory impact are most likely to be most relevant to smaller organisations and to organisations becoming subject to FOISA for the first time. It was suggested that there may be merit therefore, given the constrained time available to fully assess impact, in limiting the obligation to particular categories of authority.</p> <p>Should the Bill progress beyond Stage 1, the Scottish Government would work with stakeholders to inform the further development of its position.</p>

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178-179	Disclosure of information to Audit Scotland	<p>The Committee thinks there is merit in adding Audit Scotland to the list of public bodies to which the Commissioner may disclose information.</p> <p>We note Members would have opportunity to consider the breadth of the proposed measure should the Bill progress beyond Stage 1.</p>	<p>The Scottish Government notes the Committee's conclusion that this proposal has merit.</p> <p>The Scottish Government maintains the position set out in its memorandum of 13 November that it remains open to the views of others in relation to these measures, but is so far unpersuaded. In particular the Scottish Government has concerns about the apparent breadth of the measure.</p> <p>Should the Bill proceed beyond Stage 1 the Scottish Government would engage constructively with all interested stakeholders to inform the further development of its position.</p>
195-196	Offence of altering records with intent to prevent disclosure	<p>The Committee notes that stakeholders had mixed views on this proposal. While the Committee is sympathetic to the objective of promoting a culture of openness and accountability within public bodies, we are not convinced that this proposal is an appropriate or proportionate approach.</p> <p>We consider the proposal is not sufficiently clear on the threshold for establishing intent to prevent disclosure, and we are mindful of the uncertainty that this provision could create for public authorities with regard to their records management policies.</p>	<p>The Scottish Government notes the Committee's conclusions in relation to the Bill's proposed changes to the offence of altering etc records provided for in section 65 of FOISA so as to also encompass doing so with the intent to prevent disclosure.</p> <p>The Scottish Government agrees with the Committee that there are significant concerns about the appropriateness and proportionality of the Bill's proposed approach.</p> <p>Should the Bill proceed beyond Stage 1, the Scottish Government would seek to remove these provisions from the Bill.</p>
214-215	Costs for designated bodies	The Committee notes the differing views as to the quantification of the costs that would be associated with the Bill. We recognise that the	The Scottish Government understands and shares the Committee's concern that there remains a

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		<p>range of costs and the degree of certainty with which they may be estimated is not a simple exercise.</p> <p>Where the Financial Memorandum identifies the potential for savings to be realised, the Committee finds that these references are largely speculative and are not supported by estimates or a timeframe over which savings may be realised. As such, the Committee does not have information available to it that would allow it to provide assurance to the Parliament that the Financial Memorandum presents a full and accurate picture of the financial implications of the Bill.</p>	<p>degree of uncertainty regarding the full financial implications of the Bill.</p> <p>The Scottish Government has set out its own assessment of this matter, as far as possible in light of the available information, in its memorandum to the Committee dated 13 November and further in my letter to the Committee dated 14 January.</p> <p>The Scottish Government notes that the financial information currently available is insufficient to support a full and reliable assessment of the proposals' impact across the range of organisations affected. Further analysis of the financial and resource implications would therefore be of clear value.</p> <p>However, it is clear that there would be sufficient time for this to take place before the end of the current session of the Parliament.</p>
216-225	Overall conclusions	<p>The Committee is persuaded that legislation is now needed to update the freedom of information regime in Scotland.</p> <p>The current freedom of information regime was introduced at a time when information was created, managed and published in a very different way than it is now. The issues explored by the Committee on the Bill's proposals relating to proactive publication and the replacement of the model publication scheme illustrate these differences.</p>	<p>The Scottish Government accepts the Committee's recommendation that the Parliament should not agree to the general principles of the Bill. The Scottish Government therefore will not support the Bill at Stage 1.</p> <p>The Scottish Government notes the Committee's view that legislation is now needed to update the freedom of information regime.</p> <p>Should the Parliament accept the Committee's recommendation that it should not agree to the</p>

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		<p>However, we are not of the view that this Bill, taken in its entirety, is the correct legislative vehicle for that update. There are elements of the Bill where we do not consider the policy intention would be delivered by the Bill or where the necessity and effect of making legislative provision is not clear. These areas are identified in our recommendations throughout this report.</p> <p>The Committee notes the differences in cost estimates presented in the Financial Memorandum prepared by the Member and by the Scottish Government.</p> <p>Given the range and sizes of bodies falling within freedom of information at present, the Committee also recognises the challenges of calculating accurate estimates for both costs and savings. The Committee does not consider that the information available to it, and to the Parliament, is sufficient to be able to assess the overall potential financial impact of the Bill.</p> <p>Given the questions that we consider remain to be answered and the further policy development and textual amendments that would be necessary, the Committee considers that it is highly unlikely that there is time available in the remainder of this Session for the Bill to reach a point where, subject to the agreement of the Parliament, it could be enacted. The work</p>	<p>general principles of the Bill, it will be for Ministers in the next session to consider that matter further and to determine any appropriate next steps, working with the new Parliament.</p>
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		<p>undertaken by the Member in developing this Bill, alongside the evidence provided by stakeholders at Stage 1, has been valuable in highlighting that there is a need for reform of freedom of information legislation in Scotland. Freedom of information is a fundamental part of the delivery of public services and of the accountability of public bodies to the people they serve. Updating the legislation underpinning that regime is a substantial and complex endeavour and good faith efforts to do so should be recognised as such.</p> <p>Overall, the Committee is of the view that the Scottish Government ought to be taking legislative action to develop an updated and forward-looking freedom of information regime, particularly given its own view that it has a “breadth of expertise and input” and “strong ministerial interest” in the designation of bodies under the FoI Act.</p> <p>Yet, based on the evidence heard, the Committee notes that the Scottish Government has been slow in exercising its powers under the FoI Act. In its response to its own consultation on access to information rights, the Government indicated that it “believes that the fundamentals of the access to information rights regime... remain fit for purpose”. We are of the view that there is a fundamental conflict of interest within</p>	
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		<p>the institution of government when it comes to reform of the freedom of information regime.</p> <p>We consider, therefore, that if the Scottish Government does not, as an institution, see the need for an updated freedom of information regime, a committee bill may be the most appropriate legislative vehicle to address the complex and important question of freedom of information reform. In making this recommendation, the Committee recognises both that it cannot commit the next Parliament to any course of action and that the work of developing such a committee bill would require significant parliamentary time and resource.</p> <p>The Committee agrees with the need for freedom of information reform but, for the reasons set out in this report, we do not consider this Bill to be the most effective vehicle to deliver the necessary change. The Committee therefore does not recommend that the Parliament agrees to the general principles of the Bill.</p>	
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