

PUBLIC AUDIT AND POST-LEGISLATIVE SCRUTINY COMMITTEE

POST LEGISLATIVE SCRUTINY - FREEDOM OF INFORMATION (Scotland) ACT 2002

SUBMISSION FROM : GENERAL TEACHING COUNCIL FOR SCOTLAND

In general our view and experience of the Freedom of Information (Scotland) Act 2002 (FOISA) legislation has been positive as GTCS seeks to ensure that it operates in an open and transparent way.

As a small organisation with limitations on our resources, the costs of responding to some requests has been significant. As a result we feel that being able to refer to the guidance provided by The Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004 is important to us. This is one exemption that we would like to see remain in the legislation.

We have experienced some challenges in implementing the legislation where there has been a tension between complying with FOISA and at the same time meeting the requirements of the Data Protection Act 2018.

A similar concern is related to blanket requests for contract information by agencies who then sell this information on to interested parties – we do not feel that this is using the legislation as it is intended.

When providing a response to a request for information from the media (or not knowing that the requester is from the media) we provide the raw data along with context to assist understanding, but this doesn't always tell the full story. It would be more helpful if media colleagues were to discuss their understanding of the context with us.

We feel that there is a challenge implementing the legislation in the context of those requesters who are seeking to abuse it (vexatious or persistent requesters) and we feel the legislation should be strengthened, and further guidance provided, to assist organisations to deal with these situations, as the legislation does not currently provide sufficient safeguards against this. We feel that an appropriately proportionate exemption could be introduced.

In summary:

- Our experience of FOISA is positive
- There are some challenges when complying with FOISA and the DPA2018
- It is challenging dealing with vexatious or persistent requester and there is little or no guidance to support organisations in this area
- There is a concern when dealing with blanket requests from agencies

- Further consideration is required around the use of raw information by the Media.

We also want to raise that our experience of the support and guidance we receive when we have an enquiry from the Scottish Information Commissioners office is excellent – the guidance they provide is also a very valuable tool when we are dealing with FOISA requests.