

PUBLIC AUDIT AND POST-LEGISLATIVE SCRUTINY COMMITTEE

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

SUBMISSION FROM : the Archives & Records Association

1. In your view, what effects has the Freedom of Information (Scotland) Act 2002 (FOISA) had, both positive and negative?

It is our view that the legislation has had a positive impact on highlighting the vital role that information plays in both the lives of individuals and diverse and important work undertaken by the listed Public Authorities. The access to this information is a pivotal element to the defence of individual rights and to be able to secure appropriate levels of transparency and accountability for the decision makers.

2. Have the policy intentions of FOISA been met and are they being delivered? If not, please give reasons for your response.

We believe that the intentions are being met and delivered.

3. Are there any issues in relation to the implementation of and practice in relation to FOISA? If so, how should they be addressed?

The code of practice should be maintained as a living document and updated to reflect any relevant changes, and furthermore the methods for communicating and managing requests should be evolved to conform with common practice, namely the acceptance of electronic communications as equivalent to physical correspondence where appropriate.

4. Could the legislation be strengthened or otherwise improved in any way? Please specify why and in what way.

We have no specific proposals to make on the strengthening or improvement of the legislation but we would caution against the legislation being changed to address associated but separate concerns such as the creation or retention of specific records.

5. Are there any other issues you would like to raise in connection with the operation of FOISA?

Not at this time.