

PUBLIC AUDIT AND POST-LEGISLATIVE SCRUTINY COMMITTEE

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

SUBMISSION FROM : LEGAL SERVICES OFFICE - COMHAIRLE NAN EILEAN SIAR

1.

FOISA has been positive in that it has promoted a culture of transparency, and better methods of storage of information to enable easier retrieval.

It has been negative in that it has significantly added to the local authority's workload during a period in which resources are already under great pressure. Staff have been diverted from what they consider to be their core business in order to provide information in answer to FOISA requests.

The ease of making requests has resulted in an ever-increasing number being received and therefore a greater workload.

3.

The provisions in respect of charging fees for onerous requests are too restrictive and in practice impractical: in our experience, no one has ever paid a fee.

The process is abused. For example, many requests are received from the media which are apparently "fishing expeditions" to see if they can find something worth reporting on. Many requests are also made by commercial organisations seeking information either to sell on or to promote their own business. Many requests are also made by the Scottish Parliament which may be better addressed by correspondence to the relevant departments of the local authority.

It is easy to circumvent the rules about excessive requests by breaking them up into separate emails.

4.

There should be a better balance between the right of public to access information and the burden, in terms of time and cost, imposed on the public body in having to produce that information. At present it is too far in favour of requesters. One way to do that would be to reconsider the charging provisions and reducing the threshold at which a charge can be made.