

PUBLIC AUDIT AND POST-LEGISLATIVE SCRUTINY COMMITTEE

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

SUBMISSION FROM : UNITE SCOTLAND

Unite Scotland response to the Scottish Parliament Public Audit and Post Legislative Scrutiny Committee call for written evidence on FoISA

Unite the Union Scotland represents around 140,000 working people and their families throughout Scotland. Unite is the UK's largest trade union with 1.4 million members in a range of industries including construction, financial services, manufacturing, print and media, energy, the voluntary and non-profit sectors, transport including ferries, education, creative industries, local government and the NHS.

Unite welcomes the opportunity to feed into this call for written evidence.

While we have prepared this response based upon Unite's experiences of accessing our rights under the Freedom of Information Scotland Act (FoISA), we would nevertheless wish to support and endorse the submission prepared by the Campaign for Freedom of Information Scotland (CFoIS) in response to this call for evidence.

Introduction

On paper it would appear that Scotland has one of the most open and free rights to access information held by public bodies than any other of the home nations. This should in principle provide individuals and organisations with the ability to access information allowing stakeholders the ability to provide a check and balance function on all of our publicly funded organisations and agencies, as well as allowing scrutiny and effective oversight of government.

However the reality is somewhat more protracted, frustrating and less accessible than we would anticipate.

Unite's experiences of Freedom of Information (FOI) requests have been mixed. Some organisations conduct FOI requests within the guidelines of the FoISA allowing for ease of accessing information. However for Unite, unfortunately these experiences are rare.

Instead what we face most often is protracted delays, unnecessary requests for a fuller explanation of the information requested, follow-up emails that are clearly intended to dissuade our request and in some instances we would argue, deliberate attempts to withhold information that is clearly in the public interest. On one particular occasion when a FOI was submitted, we believed that there was potential for a clear and present health and safety (H&S) concern and the delays in receiving a response to our request could potentially have put lives at risk.

Unite would therefore support radical reform to improve access and accountability as well as reducing times when H&S concerns are raised. We would further support a renewed culture of increased and improved transparency.

Who is covered by the Act?

Currently it is difficult to determine what is, and isn't a public authority. We would suggest that rather than bodies being opted in to FoISA, a change should be made to ensure all organisations are automatically covered by FOISA and only opted out when a full explanation of the reason for opting them out is given.

For example, from the designation of some ALEO's it is not entirely clear whether they are regarded as public bodies or not, for the purpose of FoISA. Unite would argue that all ALEO's must be covered by FOISA to alleviate any confusion.

Unite would recommend simplifying FoISA to include all bodies or agencies that are in receipt of public funding, in whole or in part, including procurement, sub-contracting and the supply chain.

We would also recommend that when H&S concerns are raised through a FOI request that the normal 20 working days for a response is removed and such requests should be treated as a priority. This would speed up the process allowing information to be shared quickly which would assist in determining the most suitable arrangements to deal with the issue, as timely as possible.

End.

Pat Rafferty

Unite Scottish secretary

For more information contact: Liz Cairns Elizabeth.cairns@unitetheunion.org

May 2019