

PUBLIC AUDIT AND POST-LEGISLATIVE SCRUTINY COMMITTEE

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

SUBMISSION FROM : F MAILER

Question 1

I believe that the Freedom of Information (Scotland) Act has made a mainly positive affect on rights in Scotland. It introduced the general right – subject to exemptions – to ask and to receive information that a Scottish public authority held. However, some of the exemptions, in my opinion, are too strict and are being used too often. I will go into more detail in the further questions.

Question 2

One of the main policy objectives of the Freedom of Information (Scotland) Act was:

“to encourage the proactive disclosure of information by Scottish public authorities through a requirement to maintain a publication scheme”

I believe that some public authorities do not disclose enough information and wait for a Freedom of Information request to be made before releasing the information.

Question 3

I have no comment to make on this question.

Question 4

The Freedom of Information (Scotland) Act could be strengthened by:

1. Providing all requests free, up to £450.00 (or £600.00 for central government).
Mirroring the Freedom of Information Act 2000, in England and Wales.
2. Requiring public authorities to use the public interest test for every exemption.
3. Reducing the amount of time, a public authority is allowed to respond to a request.
4. Establishing a tribunal, for appeals against the Scottish Information Commissioner.
Currently, appeals against the Scottish Information Commissioner must be made in the Court of Session. Again, establishing a new tribunal, would mirror England and Wales.
5. Making it easy to appeal to the Commissioner, and a tribunal – if established.

6. Requiring public authorities to actively explain how and to encourage people to submit a FOI request if they require information.
7. Requiring public authorities to make sure internal reviews are carried out by someone who has no prior knowledge of the request and is more experienced with FOI law.
8. Requiring public authorities to use the actual pay per hour when deciding costs, up to a maximum of £15.00 an hour. Not the current £15.00 per hour blanket cost. E.g. if someone being paid £10.00 an hour does two hours of work the cost should be £20.00 not £30.00.

Question 5

I have no comment to make on this question.