

Standards, Procedures and Public Appointments Committee
Thursday 27 November 2025
23rd Meeting, 2025 (Session 6)

Freedom of Information Reform (Scotland) Bill

Introduction

1. The [Freedom of Information Reform \(Scotland\) Bill](#) was introduced on 2 June 2025 by Katy Clark MSP. On 10 June 2025 the Parliamentary Bureau agreed to refer the Bill to the Committee as lead committee for the Bill.
2. The Scottish Parliament Information Centre has [published a briefing on the Bill](#).

Contents of the Bill

3. The Policy Memorandum sets out that the main aim of the Bill is:

“to improve transparency in Scotland by strengthening existing measures in the Freedom of Information (Scotland) Act 2002 (“FOI Act”). The Bill strengthens the public’s right to information by explicitly stating the right to receive the information unless it is subject to an absolute exemption, introduces a new mechanism by which additional bodies may be designated under the FOI Act and requires pro-active publication of information through a new duty to publish. The Bill improves compliance with the FOI Act by requiring an FOI officer to be designated in each public authority and strengthens the enforcement powers of the independent, Scottish Information Commissioner (“the Commissioner”).”
4. The Bill would amend the Freedom of Information (Scotland) Act 2002 (“FOISA”). A range of provisions are made in the Bill relating to various aspects of the FOISA regime. The provisions of the Bill include:

Access to information held by Scottish public authorities

- Introduce a presumption in favour of disclosure when exemptions are being considered by public authorities.
- Require Scottish Ministers to consider recommendations from the Scottish Information Commissioner on designating new bodies under FOISA and give the Scottish Parliament power to designate organisations delivering public functions or services by resolution.
- Extend FOISA to publicly owned companies that are jointly owned by the Scottish Ministers and another public authority.
- Make changes to the requirements for reports on Scottish Ministers’ ‘section 5 powers’ to designate new public authorities under FOISA and require the Scottish Parliament to debate any section 5 report.

- Clarify that FOI requests can include an electronic address for correspondence.
- Pause, rather than reset, the 20-working day response clock when seeking clarification.
- Repeal the publication scheme duty.

Exempt information

- Create a new exemption for information provided to the Scottish Information Commissioner for the purpose of investigating appeals.

The Scottish Information Commissioner

- Provide the Scottish Information Commissioner with the power to require information from individuals acting on behalf of public authorities.
- Enable the Scottish Information Commissioner to investigate appeals on its handling of information requests made to the Office of the Scottish Information Commissioner.
- Allow the Commissioner to issue enforcement notices where there is non-compliance with FOISA's codes of practice.
- Remove the First Minister's "veto" power.
- Allow the Commissioner to refer cases of failure to comply with the timescales in decision notices to the Court of Session.

Codes of practice

- Introduce a proactive publication duty supported by a code of practice.
- Require all public authorities under FOISA to designate a Freedom of Information Officer.

Miscellaneous and supplemental

- Allow the Commissioner to disclose certain information to Audit Scotland.
- Create an offence where information is destroyed with intent to prevent disclosure, even if no information request has been made.
- Extend the time limit for prosecuting the offence of deliberately destroying or concealing records.

Scrutiny of the Bill at Stage 1

5. The Committee ran a call for views on the Bill from 19 September to 22 October 2025. All [the responses are published on the Scottish Parliament's webpage](#).

6. The Committee took evidence from [academics and advocacy groups on 6 November](#), from [stakeholder organisations and legal bodies on 13 November](#), and from [the Scottish Information Commissioner and the Minister for Parliamentary Business and Veterans on 20 November](#).
7. At this meeting, the Committee will complete its evidence gathering by hearing from Katy Clark MSP, who will be supported by Carole Ewart, Director of the Campaign for Freedom of Information in Scotland.
8. The Committee will conclude its scrutiny of the Bill at Stage 1 by submitting a report to the Parliament.

Clerks to the Committee
November 2025