

# Freedom of Information – more or less?

The scope of the Freedom of Information (Scotland) Act is the focus of a Scottish Government consultation that is beginning today. The legislation already extends to over a hundred public bodies.

The consultation seeks views on whether the existing legislation should be widened to cover a greater range of bodies who deliver public services in Scotland.

Organisations under consideration are contractors who build and/or maintain schools, hospitals and roads; private prison operators; leisure, sport and cultural trusts set up by local authorities; Glasgow Housing Association and the Association of Chief Police Officers in Scotland.

✘ Minister for Parliamentary Business Bruce Crawford said:

“The Scottish Government is committed to the principles that underpin Freedom of Information (FOI) legislation. These principles of openness and transparency are essential parts of open democratic government, nowhere more so than in following the expenditure of public money.

“At this stage the Scottish Government has not reached firm conclusions on which bodies it might be appropriate to extend coverage to.

“Creating additional regulatory or financial requirements must be appropriate and proportionate, especially given the global economic downturn which has put some sectors of the economy under particular strain.

“A key part of the consultation will be our examination of any possible costs associated with any extension of coverage. The

Government is committed to increasing sustainable economic growth and will only introduce legislation that is measured and proportionate.”

The consultation process will run for 14 weeks, from today until 2 November.

The organisations to be consulted on extending the FOI Act are:

- \* Trusts and bodies established by local authorities with responsibility for providing leisure, sport and cultural services. Many local authorities have outsourced these important functions to such trusts and bodies. An unintended consequence is that the public lose their rights to access information about those services from the local authority itself. These organisations deliver services of major public benefit, and receive significant public money

- \* Private prison operators running Addiewell and Kilmarnock prisons, and with the private contractor providing prisoner escort services. These organisations provide services normally provided centrally by Government, and coverage would put them on the same footing as their public sector equivalents

- \* Glasgow Housing Association. Glasgow Housing Association is unique in its scale and public profile and the level of interest that it attracts. In principle the Government therefore considers that there are strong grounds for its coverage

- \* Association of Chief Police Officers in Scotland. The Association is the collective organisation of senior police from the eight forces across Scotland. It oversees and coordinates the direction and development of the Scottish police services. Its members are all public servants and it receives significant public funding

- \* Private contractors who build and/or maintain schools and hospitals, and those who operate and maintain trunk roads across Scotland. These are key areas of public service which are often delivered under private contract. These contractors

form a large and diverse group and we will have to consider the appropriateness of coverage in detail, which may well be on a case by case basis

The Freedom of Information (Scotland) Act 2002 encourages the development of a more open culture across the public sector by providing a statutory right of access to information held by some 10,000 Scottish public authorities.

The coverage of the Act can be extended to bodies which appear to the Scottish Ministers to be exercising functions of a public nature and to contractors who provide services that are a function of a public authority. This is done by an order made under powers in section 5 of the Act. Before making any such order Scottish Ministers must consult with the proposed bodies themselves, or their representatives. The power to extend coverage under section 5 has not yet been used.