

Freedom of Information (Amendment) (Scotland) Bill Stage 2 - Finance Committee 5 Dec 2012

UNISON Scotland has emailed Finance Committee members asking them to support all of Elaine Murray's amendments during their Stage 2 consideration of the Freedom of Information (Amendment) (Scotland) Bill. This E-Brief is being sent to all other MSPs for information. We hope you will find this useful when the Bill returns to the Chamber.

As members know, there is strong and widespread support for Freedom of Information rights "following the public pound", yet section 5 of the Freedom of Information (Scotland) Act 2002 has not been used. Scottish Information Commissioner Rosemary Agnew said in September: "FOI was introduced for a reason: to ensure that the delivery of public services and the spending of public money is transparent, open and accountable. It is simply not acceptable that citizens' rights continue to be eroded through complex changes in the delivery of services. This must be looked at as an immediate priority."

We believe it is essential to use the opportunity of this Bill to restore these lost rights urgently and to ensure that coverage is extended to cover all public services, whatever type of body holds the information or provides the service. The use of section 5 to ensure this is long overdue. Deputy First Minister Nicola Sturgeon states, in her 27 Nov [letter](#) to Committee Convener Kenny Gibson, that she will detail her intentions on how the Scottish Government will take forward the debate on extension of coverage before conclusion of the Bill's progress.

We do not think that offers sufficient expectation of anything other than potentially limited progress initially and further lengthy delays before (if) any proper further action is taken. Ms Sturgeon's letter talks about a "longer-term, staged approach towards greater extension allowing time for appropriate analysis...". This does not suggest the Scottish Government is ready to do any time soon what the Scottish Information Commissioner (SIC), the Campaign for Freedom of Information in Scotland (CFoIS) and the public* want to see happen in making sure that information rights are protected and upheld.

There has been plenty of time for the Scottish Government to act. They haven't**. Amendments 9, 10 and 11 will place a duty on Ministers to exercise their power to designate Scottish public authorities and will protect rights to information where functions or services are carried out for a public body and in new public contracts worth more than £1m. Please support these amendments.

* See the SIC's 2011 research showing strong public support for extension to bodies including trusts, housing associations, PPP/PFI projects, private prisons etc. ** And an indication of the timescales the Government has in mind is that Ms Sturgeon's amendment covering reporting on the section 5 power states that the first report must be laid on or before 30 June 2016. As Ms Agnew notes in [her letter](#) to Mr Gibson, "..given that the section 5 power has now lain dormant for ten years, I would question whether it is appropriate to delay the laying of an initial report for a further three and a half years..". Ms Murray's amendments would see that report laid by June 2013 and annual reports thereafter.

Useful links

- [CFoIS Stage 2 Briefing](#)
- [CFoIS Stage 1 Briefing](#)
- [UNISON's Bill Consultation Response](#)
- [Uncovered! CFoIS Briefing](#)

UNISON Scotland's key campaigns

- [Public Works](#)
- [Protect Our Pensions](#)
- [UNISON Scotland website](#)

For more information please contact UNISON's Bargaining and Campaigns team on 0141 342 2811, or email [Dave Watson](#), Scottish Organiser.

