

SFOI (2003)(Min 2nd Meeting)

**SCOTTISH FREEDOM OF INFORMATION IMPLEMENTATION GROUP**  
**EIGHTH MEETING: FRIDAY 13 JUNE 2003**

**Those Present**

Michael Lugton (Chair)

**Members**

Lindsey Anderson, Crown Office  
Dr Peter Anderson, National Archives of Scotland  
Graham Atherton, COSLA  
David Bell, SE: 21<sup>st</sup> Century Government Unit  
Dr Ann Bisset, SE: Health Department  
Hugh Dignon, SE: Justice Division  
Tim Ellis, SE: FOI Unit  
Bill Friel, SE: Corporate Learning Services  
Bill Magee, Audit Scotland  
Jon Rathjen, Universities Scotland  
Bob Sargent, SEPA  
Karen Williams, ACPOS

**Attendees**

Kevin Dunion, Scottish Information Commissioner  
Inspector Alastair Graham, Grampian Police

**Secretariat**

John McNairney, FOI Unit  
Karen Martin, FOI Unit  
Donald McBryde, FOI Unit

### **Item 1: Apologies for absence**

Michael Lugton reported apologies for absence from George Brechin (Fife Health Board), David Caldwell (Universities Scotland - replaced by Jon Rathjen), Charles Knox (Health Department - replaced by Dr Ann Bisset), Clive Martlew (Corporate Learning Services – replaced by Bill Friel), Averil MacLachlan (Scottish Enterprise), Huw Williams (Scottish Parliament), Pat Connor (Historic Scotland), David Mallon (Environment and Rural Affairs Department), Fergus Millan (Education Department) and Murdo MacLennan (Western Isles Health Board).

Mr Lugton welcomed new member Bill Magee from Audit Scotland.

### **Item 2: Minutes of Previous Meeting (14 February 2003) and matters arising**

Michael Lugton reported that the minutes of the meeting of 14 February had been published on the Scottish Executive's website. There were substantive matters arising from the last meeting dealing with awareness raising, the two Codes of Practice and the work programme and these issues would be covered by items 4-8 of the agenda.

### **Item 3: Recent Developments – Oral Update**

- **Deputy Minister for Finance and Public Services**

Michael Lugton reported that the new Minister responsible for FOI was Tavish Scott, Deputy Minister for Finance and Public Services.

- **Publication of 2<sup>nd</sup> Annual Report of SFOIIG**

Mr Lugton informed the meeting that the report was duly published at the end of March and copies sent to Scottish public authorities. A copy has also been placed on the Scottish Executive website.

- **Laying of Ministerial Report on Progress on Implementation of the Freedom of Information (Scotland) Act 2002**

Mr Lugton confirmed that the Report was laid before the Parliament on 28 May. Copies have been distributed to Scottish public authorities and a copy has been placed on the Scottish Executive website.

- **Announcement of timetable for implementation of Act**

Mr Lugton explained that the Ministerial Report detailed the implementation timetable and that this had been agreed with the Scottish Information Commissioner. The timetable was also published in answer to a Parliamentary question and in a press release. In addition, the Freedom of Information Unit had issued a letter to Scottish public authorities highlighting the timetable and enclosing a copy of the report.

Graham Atherton explained that colleagues in Local Government were concerned about meeting their obligations in line with the published timetable. He commented that public authorities might require extra resources in order to do so. Mr Lugton acknowledged that this was a challenging yet deliverable timetable and outlined the procurement of the training package as an example of a resource that would be made available to assist authorities in their preparations.

#### **Item 4: S.61 Code of Practice and draft Model Action Plan – Oral Update**

Peter Anderson reported that Ministers had issued a copy of the s61 Code of Practice to the Keeper of the Records of Scotland and the Scottish Information Commissioner for comment. The National Archives of Scotland are currently considering a response. The draft Model Action Plan has not yet been finalised but work on this item is continuing within relevant sectors.

#### **Item 5: S.60 Code of Practice on Functions Under the Act (Paper SFOI (2003) 4)**

Mr Lugton congratulated the members of the s.60 sub-group on their work in producing the draft Code of Practice. John McNairney reported that the sub-group had met a total of four times and had been assisted greatly in the development the draft Code by contributions from members of the SFOIIG , by the Scottish Consumer Council and Citizens Advice Scotland. A range of equality interests had also made contributions to the development of the draft code (paper SFOI(2003)4). The Group endorsed the draft Code produced by the sub-group and were in agreement that the s.60 sub-group should now be dissolved. Mr McNairney explained that subject to agreement by Ministers, a public consultation exercise on the draft Code would now be taken forward.

#### **Item 6: Awareness Raising (SFOI (2003) 5)**

Michael Lugton thanked members for their comments on and views on the best means of raising awareness in relation to their specific sectors. John McNairney reported that paper SFOI(2003)5 outlined the existing and proposed arrangements for raising awareness of FOI issues throughout the Scottish public sector. In discussion, members of the Group indicated that senior managers in the public sector should be targeted to ensure that they are fully aware of the level of work involved in preparing for FOI. Regional/sector specific seminars should be explored as a means of further raising awareness of FOI issues.

#### **Item 7: Training – Oral Update**

Bill Friel reported that the law firm Masons had been appointed to design and develop training materials on behalf of the Scottish Executive. He explained that he had been impressed by early drafts of the training material and Mr Lugton suggested that it might be helpful if Masons gave a presentation to Group members or representatives from respective organisations/departments at a later date. The Group agreed that this would be worthwhile.

**ACTION: Bill Friel to approach Masons requesting a presentation**

**ACTION: Bill Friel/Secretariat to arrange a suitable date**

**Item 8: Suggested date and agenda for next meeting**

The Group noted the proposed agenda for the next meeting scheduled to be held in September. The date will be confirmed with members in due course.

**ACTION: Secretariat**

**Item 9: Any other business**

Karen Williams highlighted the issue that minutes of meetings within the Police sector sometimes contain confidential sections and that guidance on best practice in dealing with such situations would be helpful. Tim Ellis thanked Ms Williams for this suggestion and said that comments on any other sector specific structural issues would be welcomed.

Secretariat  
June 2003