

SCOTTISH FREEDOM OF INFORMATION IMPLEMENTATION GROUP
SIXTH MEETING: FRIDAY 4 OCTOBER 2002

Those Present

Michael Lugton (Chair)

Members

Lindsey Anderson, Crown Office
Peter Anderson, National Archives of Scotland
Graham Atherton, Convention of Scottish Local Authorities
David Bell, SE: 21st Century Government Unit
George Brechin, Fife Health Board
David Caldwell, Universities Scotland
Patrick Connor, Historic Scotland
Tim Ellis, SE: FOI Unit
Bill Friel, SE: Corporate Learning Services
Bethan Hubbard, Scottish Parliamentary Corporate Body
Geoff Huggins, SE: Development Department
Averil MacLachlan, Scottish Enterprise
David Mallon, SE: Environment and Rural Affairs Department
Fergus Millan, SE: Education Department
Karen Williams, ACPOS

Attendees

Inspector Alastair Graham, Grampian Police
Karen Martin, FOI Unit

Secretariat

John McNairney, FOI Unit
Mike Neale, FOI Unit
Gail Fraser, FOI Unit

Item 1: Apologies for absence

Michael Lugton reported apologies for absence from Deirdre Watt (Modernising Government Unit - replaced by David Bell), Clive Martlew (Corporate Learning Services – replaced by Bill Friel), Huw Williams (Scottish Parliament – replaced by Bethan Hubbard), Hugh Dignon (Justice Department), Bob Sargent (SEPA), Murdo MacLennan (Western Isles Health Board) and Frank Jensen (COSLA).

Mr Lugton welcomed John McNairney (FOI Unit) as Secretary and Tim Ellis (Head of FOI Unit) as a new member to the Group (replacing Keith Connal). A welcome was also extended to Inspector Alistair Graham (Grampian Police) and to Karen Martin (FOI Unit).

Item 2: Minutes of Previous Meeting (14 June 2002) and matters arising

Michael Lugton reported that the minutes of the meeting of 15 February 2002 had been published on the Scottish Executive's web site. On matters arising from the last meeting Mr Lugton said that consideration of monitoring arrangements would be taken under item 4.

Item 3: Draft Overview of Freedom of Information (Scotland) Act 2002 (Paper SFOI (2002) 4)

John McNairney stated that the circulated paper is a working draft and not definitive legal guidance on the Act. The Group was being asked whether it would be useful for the overview to be distributed to the public sector generally. In discussion it was agreed that it would be useful if the paper was distributed to the whole of the public sector. The FOI unit would liaise with the Department of Health to consider how best it could be disseminated to NHS bodies. The paper would also be posted in the Scottish Executive web – site.

Bill Friel provided the Group with an update on the development of the training strategy. He said that a draft specification for the purchase of training services was being prepared and that it would be helpful to have nominations of representatives from the Group who would be involved in the evaluation of tenders. Following discussion the Group agreed that representatives from ACPOS, COSLA and the NHS together with members of the FOI Unit would assist in the evaluation of tenders.

Item 4: Development of Section 60 – Code of Practice on Functions (Paper SFOI (2002) 5)

In introducing this paper John McNairney said that an early working draft of the Code had been circulated. The Code will provide essential guidance to public authorities on how they will need to operate under the FOI regime. The Group was asked to consider whether there should be a sub group formed to take forward development of the Code and how such a sub group would engage with user groups. The Group agreed that it would be worthwhile for a subgroup to be formed. John McNairney and Karen Martin would respectively be the Chairman and Secretary. It was further agreed that there would be representatives from COSLA, ACPOS, Universities Scotland (or from the Higher Education sector), Historic Scotland and Scottish Executive Education Department on the sub group. The FOI Unit would seek to identify individuals from user groups to serve on the sub group.

Item 5: Membership of Group

Michael Lugton said that the Secretary had written to members on 20 September drawing attention to this item. The Group was required to review its terms of reference and ensure that structure of the Group will enable it to meet these terms of reference. The questions which now arose were whether the Group is sufficiently representative of the bodies who will be affected by FOI and also whether user groups could be represented on the Group. Following discussion it was agreed that it was not necessary or practicable to extend the membership of the Group significantly. It was

suggested however that it might be useful for Audit Scotland to be represented on the Group and Michael Lugton said that the Secretariat would ask them if they wished to be represented. In concluding this item Michael Lugton said that while the matter of membership and terms of reference of the Group would be kept under review he sensed that members were content that no substantive changes be made for the foreseeable future.

Item 6: Records Management (Oral report by Peter Anderson, NAS)

Peter Anderson (Chairman of the sub group on records management) reported that the Group had met on two occasions and will shortly meet again. The first meeting was to familiarise the members of the sub group with the tasks in hand. It was felt that the draft section 61 code of practice and two model action plans are very close to providing public authorities with operational guidance. More substantive work was carried out at the 2nd meeting and work is being taken forward by the Secretariat for the sub group. A final draft of Code of Practice would be available for presentation to the Group at its next meeting.

Item 7: Work Programme

Michael Lugton invited the Group to note the work programme for the next meeting. He said that in view of the discussion and agreement reached at this meeting with regard to the membership and terms of reference of the Group further discussion of these two items could be deferred and therefore omitted from the work programme.

Item 8: Date of next meeting

The next meeting is scheduled for Friday 14 February. This meeting will be held in **St. Andrew's House**, Conference Rooms D and E, at 10.30 am.

Item 9: Any other business

There was no other business for the Group to consider.

Secretariat
October 2002