

SFOI (2003) (Min 3rd Meeting)

**SCOTTISH FREEDOM OF INFORMATION IMPLEMENTATION GROUP**  
**NINTH MEETING: FRIDAY 26 SEPTEMBER 2003**

**Those Present**

Michael Lugton (Chair)

**Members**

Lindsey Anderson, Crown Office  
Dr Peter Anderson, National Archives of Scotland  
John Barber, Historic Scotland  
David Bell, SE: 21<sup>st</sup> Century Government Unit  
Tim Ellis, SE: FOI Unit  
Bill Friel, SE: Corporate Learning Services  
Inspector Alastair Graham, Grampian Police  
Averil Maclachlan, Scottish Enterprise  
Bill Magee, Audit Scotland  
David Mallon, SE: Environment and Rural Affairs Department  
Ian Matheson, SOLAR  
Fergus Millan, SE: Education Department  
Jon Rathjen, Universities Scotland  
Bob Sargent, SEPA  
Garrick Smyth, CoSLA  
Huw Williams, Scottish Parliament  
Karen Williams, ACPOS

**Attendees**

Kevin Dunion, Scottish Information Commissioner  
Margaret Keyse, Office of the Scottish Information Commissioner  
Sarah Hutchison, Office of the Scottish Information Commissioner

**Secretariat**

John McNairney, FOI Unit  
Morag Jones, FOI Unit

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

Michael Lugton welcomed new member Garrick Smythe of CoSLA, as well as Margaret Keyse, Head of Investigations and Sarah Hutchison, Head of Policy and Information, both from the Office of the Scottish Information Commissioner.

Michael Lugton reported apologies for absence from Dr Fiona Bissett (SE: Health Department): Pat Connor (Historic Scotland), John Barber attended in his place: Clive Martlew (Corporate Learning Services), Bill Friel attended in his place: Murdo MacIennan (Western Isles Health Board): Jim Clifford (SOLAR), Iain Matheson attended in his place: Hugh Dignon (SE: Justice Department): David Mallon (SE: Environment and Rural Affairs Department) and Sam Ghibaldan (Special Adviser to the Deputy First Minister).

### **Item 2: Minutes of Previous Meeting (13 June 2003) and matters arising**

Michael Lugton reported that the minutes of the meeting of 13 June had been published on the Scottish Executive's website. Karen Williams pointed out a typographical error in the minutes. Morag Jones confirmed that the Secretariat would correct the copy of the minutes on the SE website.

#### **ACTION: Secretariat**

Matters arising included consultation on the S60 Code of Practice, awareness raising, and training. These were covered under item 3 of the agenda, recent developments.

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

- **Letter from Deputy Minister for Finance Public Services and Parliamentary Business.**

John McNairney reported that the Minister had written to leaders of all public authorities in July about implementing FOI in Scotland. His letter highlighted the timetable for implementation; the need to consider preparation of publication schemes and the importance of securing senior leadership to the process. A copy of his letter had been placed on the Scottish Executive's website.

- **Section 60 Code of Practice**

Mr McNairney informed the meeting that the draft Code of Practice had been issued for public consultation in late July and that the consultation would run until the end of October 2003. A summary of responses to the draft Code would be made available to the Group in advance of the December meeting.

- **Code of Practice on Access to SE Information**

Mr McNairney explained that the annual report on operation of the Code of Practice on Access to Scottish Executive Information was published in June. He drew attention to revised arrangements for handling complaints made under the Code. From 1 October 2003, responsibility for dealing with complaints would pass from the Public Services Ombudsman to the Scottish Information Commissioner.

- **Awareness raising**

Mr McNairney advised that the FOI Unit had written to contacts in public authorities with responsibility for FOI to scope interest in regional and/or sector-specific seminars across Scotland. The Secretariat would update Group members on the issue of seminars for the December meeting.

He reported that a number of changes had recently been made to the Freedom of Information pages on the Scottish Executive website. The FOI Unit would continue to work towards improving the web pages.

#### **Item 4: Records Management – Paper SFOI (2003) 6.**

Tim Ellis introduced paper SFOI (2003) 6 and explained that consultation on the Section 61 Code of Practice had been completed. It was now intended to publish the finalised version of the Code in October.

Mr Ellis also invited the group to agree to the FOI Unit's recommendations that the Keeper should publish the generic Model Action Plan (MAP), that the development of sector-specific MAPs be encouraged where appropriate, but not given formal approval or endorsement, and that the S61 Code of Practice and the generic MAP be revised to reflect this.

The Group agreed to the recommendations. Karen Williams reflected that ACPOS supported the production of specific MAPs by sectors, using the Generic MAP as a model, and that the production of a specific MAP for use by police forces was currently under discussion.

#### **Item 5: Training – Oral Update**

Bill Friel reported that the first draft of the training material prepared by Masons had issued to the verification group, and the core document was expected to be sent shortly. A date for pilot training sessions was due to be agreed shortly. He assured the group that Corporate Learning Services were on target to complete generic training materials by the end of 2003.

Mr Lugton thanked Mr Friel and his colleagues at Corporate Learning Services for their work on the FOI training package.

#### **Item 6: Suggested date and agenda for Next Meeting**

The Group noted the proposed date for the next meeting as 12 December 2003. This date will be confirmed with members in due course.

Mr Lugton explained that the Group was required to review its membership regularly. He suggested that this would be assisted by a paper prepared by the FOI Unit for the December meeting. To help inform the development of the paper Group members might consider afresh whether the current membership and operation of the Group remained appropriate to assist in taking forward implementation of FOI in Scotland. The Secretariat would supply a deadline for providing comments upon issue of the minutes to ensure that a paper could be prepared for the December meeting.

**ACTION: Secretariat**

The meeting ended. Following the meeting, the Group were joined by Bob Turnbull, Assistant UK Information Commissioner, David Goldberg and Dr Derek Manson-Smith, from the Campaign for Freedom of Information. Presentations from Kevin Dunion, Bob Turnbull and David Goldberg are reflected in the annex to these minutes.

**Kevin Dunion, Scottish Information Commissioner**

Mr Dunion provided an update to the Group on the establishment and staffing of his office in St Andrew's. He also provided an outline of the key areas of work his office will concentrate on as implementation progresses. This includes meeting with public authorities, addressing seminars and conferences, responding to consultation drafts and preparing for the approval of publication schemes. It was intended to issue the guidance to public authorities on 20 October.

There followed a discussion by Group members on preparation of publication schemes and the approach to approval. The importance of model publication schemes was highlighted particularly within the National Health Service. Mr McNairney confirmed that Health Department colleagues had recently agreed to form a Project Board to facilitate implementation of FOI within the Health sector.

**Bob Turnbull, Assistant UK Information Commissioner**

Mr Turnbull spoke briefly about the role he will be carrying out as Assistant UK Commissioner. He will establish an office in Scotland which will concentrate on the reserved matter of data protection, and on promotion and enforcement of the UK Freedom of Information Act for those bodies who lie within its scope - these include cross border public authorities.

**David Goldberg, Campaign for Freedom of Information**

Mr Goldberg considered that while the Group had a key role in implementing FOI, there was insufficient awareness of the Group's work. The Executive's web pages included papers and minutes of the Group's meetings but these were now difficult to find and use.

He expressed concern that the Group's membership was currently restricted to public authorities. He commended the model of the Westminster Advisory Group as being a more appropriate and inclusive body.

Mr Goldberg questioned the readiness of public authorities to implement FOI and referred to a number of research findings reflecting poor awareness of FOI issues. He asked that the Group consider including external involvement in the Group and improving awareness of the Group's work.

In discussion, Margaret Keyse reported that the Office of the Scottish Information Commissioner was commissioning research to investigate awareness of FOI within public authorities. Tim Ellis agreed to look at whether there was scope for improving further the SE FOI website.