

# **SCOTTISH FREEDOM OF INFORMATION IMPLEMENTATION GROUP**

## **TWENTIETH MEETING**

**WEDNESDAY 9 MAY 2006, TOLBOOTH, STIRLING**

### **Present:**

Murray Sinclair (Chair), Scottish Executive  
Alastair Graham, Grampian Police  
Alison MacKinnon, SEPA  
Bruno Longmore, NAS  
Carole Ewart, Campaign for Freedom of Information in Scotland  
Claire Turnbull, Scottish Parliament  
Mandy Gallacher, Audit Scotland  
Cathy Adamson (on behalf of George Brechin), NHS Fife  
Kenny Meechan, SOLAR  
Denise Mattison, Historic Scotland  
Vikki Welton, COPFS  
Carol McDivitt, COPFS  
Heather McCabe ( on behalf of Andrew Mackie), Scottish Executive  
Averil Maclachlan, Scottish Enterprise

### **In attendance:**

Sarah Hutchison, OSIC

### **Secretariat:**

Jane MacKenzie, Scottish Executive  
Liza McLean, Scottish Executive

The meeting was advertised as a public meeting. 1 member of the public attended.

### **1. Welcome and apologies for absence**

Murray Sinclair welcomed group members to the meeting.

Apologies had been received from Paul Holleran (NUJ Scotland), Karen Williams (Grampian Police), David Goldberg (CFOIS), Derek Manson-Smith (CFOIS), Margaret Macleod (Universities Scotland), Sarah O'Neill (Scottish Consumer Council) and George Brechin (NHS), Diane Millen (Scottish Executive)

### **2. Minutes of previous meeting and matters arising**

The group was advised that the agreed minutes of the last meeting had been published on the Executive's website. The actions points from the March meeting were to put a word version of the consultation respondent pack on the SE website, which has been done, and to organise this meeting to discuss the consultation responses. A copy of the responses were sent to SFOIIG members prior to the meeting.

### **3. Freedom of Information – one year on – consultation responses**

Murray Sinclair invited views on the consultation responses. Comments made by SFOIIG members included the following:

- Suggestion that factual information regarding a Decision of the Scottish Information Commissioner should be being made available to an authority in advance of a Decision being published in order to ensure it is correct;
- Suggestion that the Section 60 and 61 Codes of Practice should be updated in light of decisions of the Scottish Information Commissioner;
- Discussion of the Section 61 Code of Practice in particular, and whether this requires re-visiting;
- Discussion of the Fees Regulations, and comments made regarding the Regulations requiring clarification, bringing fees in-line with UK Regulations, hourly rates, on-costs, and actual-cost charging requiring further consideration;
- Issue raised regarding frivolous requests and how to deal with them;
- Members considered that numbers of requests appear to be increasing this year;
- Issue raised of the cost of complying with FOI;
- Point made that authorities need to make more information pro-actively available and make more use of Publication Schemes;
- Members noted that authorities have in general been meeting the 20 working-day timescale;
- Observations that members of the public's understanding of Data Protection and Freedom of Information requires further awareness raising;
- Observations that the responses regarding section 5 raised many and varied points, but in some instances also showed a misunderstanding of the section 5 provision;
- Mention of statutory bars to disclosure requiring to be examined; and
- View expressed that FOI should be seen as key to good governance, not as an 'add-on' or a luxury extra.

Jane MacKenzie explained the process for summarising consultation responses to reflect the range of views expressed.

Murray Sinclair noted in conclusion that a summary report of the responses will be produced and that Ministers will consider this as well as all other evidence before reaching a decision about possible next steps.

The Group agreed that responses overall showed a positive reaction to the legislation. In the main the responses did not raise any 'surprises' but it was very helpful to see the different perspectives pulled together in the exercise.

### **4. 2005 FOI in Scotland activity data**

Jane Mackenzie circulated copies of the sectoral updates which had been received to the Group and thanked those who participated. Jane advised the group that it would

be useful if the main sectors could produce a summary of the reports for the calendar year 2005, to include details where authorities have disclosure logs if possible.

**Action point** - Members agreed, and Jane advised that she would send a template for the report to members who represent the main public sectors in Scotland. Members also agreed that the Group should continue with sector updates for another year.

#### **5. Any other business**

None.

#### **6. Next meeting**

The next meeting will be held in August/ September. The date and venue would be notified to members as soon as possible and advertised on the Scottish Executive website.