



FoI Reform in Scotland – Making it Happen!

**Online meeting organised by CFoIS and supported by the
Environmental Rights Centre for Scotland**

5 February 2024 from 1 – 2pm

A Bill to Improve Transparency and Accountability

The Freedom of Information (Scotland) Act 2002 (FoISA) is now 22 years old and needs reformed to make rights stronger and increase the enforcement powers of the Scottish Information Commissioner. Following on from Katy Clark MSP's recent [consultation on updating FoISA](#) it was announced on 8th January 2024 that she has secured sufficient cross party support and an [Fol Reform \(Scotland\) Bill](#) will be introduced to the Scottish Parliament. 24 MSPs from three parties have registered their support. This meeting will explore what the Bill should cover including what else needs to change in how public authorities approach openness and transparency.

After the Bill is published, it will progress to Stage 1 and a parliamentary Committee will consider its general principles. The Campaign for Freedom of Information in Scotland (CFoIS) will use the opportunity to evidence the need to restore strong and enforceable FoI rights, close legal loopholes, update duties to fit with technological changes in information management and improve enforcement.

FoISA and Environmental Rights

The benefits of reforming FoISA dovetail with those of the [Environmental Information \(Scotland\) Regulations 2004](#) such as the importance of increasing public access to information, highlighting how the dissemination of such information contributes to a greater awareness of public interest matters, enables and informs a free exchange of views and provides for more effective participation by the public in decision making.

Scottish Government Approach

The Scottish Government also conducted a [consultation](#) on FoISA from November 2022 – March 2023. However on 28th November 2023, the Scottish Government announced that it is not "...necessary to make changes to primary legislation in the current Parliament. Nevertheless, the Scottish Government remains open to making modifications to develop and strengthen the regime in the future." The Government commits to [five actions](#) including to "Consult on extension of FOISA to private and third sector providers of care home and 'care at home' services, following passage of the National Care Service Bill." Delaying designation until after the Bill is passed

may take some time but the FoISA Reform Bill can address the matter quickly. It is useful to note that the NCS Bill can be amended to designate publicly funded care homes and care at home services under FoISA. This replicates previous practice, such as under [Section 17 of Schedule 1](#) of the Scottish Commission for Human Rights Act 2006, the Commission is automatically designated under FoISA.

Benefits of a FoISA Reform Bill

Access to information is an important human right and a gateway to enjoy all other human rights. The right to information is an essential tool for transparent and accountable government and enables public involvement in formulating policy and in the decision-making processes of governance. The right to information can only be effectively exercised and implemented through robust laws, regulating and enforcing this right in compliance with international standards. Equal and universal access to information is essential to promote human rights and dignity, to eradicate poverty and to build inclusive, knowledge societies. That is why [SDG 16](#) includes “building effective, accountable and inclusive institutions at all levels.”

The meeting will be online using Teams. Registration is free at [Eventbrite](#)

Agenda

1. Welcome - Chair

2. The CFoIS Bill to reform FoISA - Carole Ewart, Director of CFoIS
- in January 2022 CFoIS published a draft [Bill](#) and [Explanatory Notes](#) and is now working on expanding and refining the detail.

3. Key issues for the Bill? - Benjamin Brown, Policy & Advocacy Officer of ERCS

4. Questions and Discussion

5. Closing and Thanks

About CFoIS The Campaign for Freedom of Information in Scotland (CFoIS) is celebrating its 40th Anniversary as it was established in 1984 to improve public access to official information, to secure the legal right to access information and to enforce that right. CFoIS believes in the right of people to find out about how they are governed and how their services are delivered. CFoIS convenes the Scottish Public Information Forum (SPIF) to build collaboration between civil society, the public and private sectors. [CFoIS website](#) info@cfois.scot @CFoIScot

About ERCS The Environmental Rights Centre for Scotland (ERCS) assists the public and civil society to understand and exercise their rights in environmental law and to protect the environment. We provide free legal expertise in public interest environmental law, awareness raising and outreach to marginalised groups, and advocacy in policy and law reform. [ERCS website](#) admin@ercs.scot @ERCScot

The Campaign for Freedom of Information in Scotland (CFoIS) is a Scottish Charitable Incorporated Organisation (SCIO) SC051263.