



Freedom of Information (Scotland) Act 2002 2002 asp 13

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

PART 1

ACCESS TO INFORMATION HELD BY SCOTTISH PUBLIC AUTHORITIES

Right to information

- 1 General entitlement
- 2 Effect of exemptions
- 3 Scottish public authorities
- 4 Amendment of schedule 1
- 5 Further power to designate Scottish public authorities
- 6 Publicly-owned companies
- 7 Public authorities to which Act has limited application
- 8 Requesting information
- 9 Fees
- 10 Time for compliance
- 11 Means of providing information
- 12 Excessive cost of compliance
- 13 Fees for disclosure in certain circumstances
- 14 Vexatious or repeated requests
- 15 Duty to provide advice and assistance

Responses to request

- 16 Refusal of request
- 17 Notice that information is not held
- 18 Further provision as respects responses to request

Content of certain notices

- 19 Content of certain notices

Status: Point in time view as at 01/04/2011.

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Review of refusal, etc.

- 20 Requirement for review of refusal etc.
- 21 Review by Scottish public authority

Records transferred to the Keeper of the Records of Scotland

- 22 Special provisions relating to records transferred to Keeper

Publication schemes

- 23 Publication schemes
- 24 Model publication schemes

PART 2

EXEMPT INFORMATION

- 25 Information otherwise accessible
- 26 Prohibitions on disclosure
- 27 Information intended for future publication
- 28 Relations within the United Kingdom
- 29 Formulation of Scottish Administration policy etc.
- 30 Prejudice to effective conduct of public affairs
- 31 National security and defence
- 32 International relations
- 33 Commercial interests and the economy
- 34 Investigations by Scottish public authorities and proceedings arising out of such investigations
- 35 Law enforcement
- 36 Confidentiality
- 37 Court records, etc.
- 38 Personal information
- 39 Health, safety and the environment
- 40 Audit functions
- 41 Communications with Her Majesty etc. and honours

PART 3

THE SCOTTISH INFORMATION COMMISSIONER

- 42 The Scottish Information Commissioner
- 43 General functions of Commissioner
- 44 Recommendations as to good practice
- 45 Confidentiality of information obtained by or furnished to Commissioner
- 46 Laying and publication of reports
- 46A Strategic plans

PART 4

ENFORCEMENT

- 47 Application for decision by Commissioner
- 48 When application excluded
- 49 Commissioner's decision
- 50 Information notices

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- 51 Enforcement notices
- 52 Exception from duty to comply with certain notices
- 53 Failure to comply with notice
- 54 Powers of entry and inspection
- 55 No civil right of action against Scottish public authority
- 56 Appeal against notices under Part 4

PART 5

HISTORICAL RECORDS

- 57 The expression “historical record”
- 58 Falling away of exemptions with time
- 59 Power to vary periods mentioned in sections 57 and 58

PART 6

CODES OF PRACTICE

- 60 Code of practice as to functions under this Act
- 61 Code of practice as to the keeping, management and destruction of records

PART 7

MISCELLANEOUS AND SUPPLEMENTAL

- 62 Power to make provision relating to environmental information
- 63 Disclosure of information to Scottish Public Services Ombudsman or to Information Commissioner
- 64 Power to amend or repeal enactments prohibiting disclosure of information
- 65 Offence of altering etc. records with intent to prevent disclosure
- 66 Saving for existing powers of disclosure
- 67 Protection from actions for defamation
- 68 Scottish Parliament and Scottish Administration
- 69 Exercise of rights by children
- 70 Amendment of Public Records (Scotland) Act 1937
- 71 Amendment of Scottish Public Services Ombudsman Act 2002
- 72 Orders and regulations
- 73 Interpretation
- 74 Giving of notice etc.
- 75 Commencement
- 76 Short title

SCHEDULE 1 — Scottish Public Authorities

Part 1 — MINISTERS, THE PARLIAMENT

- 1 The Scottish Ministers.
- 2 The Scottish Parliament.
- 3 The Scottish Parliamentary Corporate Body.

Part 2 — NON MINISTERIAL OFFICE HOLDERS IN THE SCOTTISH ADMINISTRATION

- 4 The Chief Dental Officer of the Scottish Administration.
- 5 The Chief Medical Officer of the Scottish Administration.

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- 6 Her Majesty's Chief Inspector of Constabulary.
- 7 Her Majesty's Chief Inspector of Prisons for Scotland.
- 7A The Drinking Water Quality Regulator for Scotland
- 8 Her Majesty's Inspector of Anatomy for Scotland.
- 9 Her Majesty's Chief Inspector of Fire and Rescue Authorities
- 10 Her Majesty's inspectors of schools (that is to say, the...
- 11 The Keeper of the Records of Scotland.
- 12 The Keeper of the Registers of Scotland.
- 12A The Office of the Scottish Charity Regulator
- 13 A procurator fiscal.
- 14 The Queen's and Lord Treasurer's Remembrancer.
- 15 The Queen's Printer for Scotland.
- 16 The Registrar General of Births, Deaths and Marriages for Scotland....
- 17 The Registrar of Independent Schools in Scotland.
- 18 A rent officer appointed under section 43(3) of the Rent...
- 18A The Scottish Court Service.
- 19 A social work inspector appointed under section 4 of the...
 - Part 3 — LOCAL GOVERNMENT
- 20 An assessor appointed under section 27(2) of the Local Government...
- 21 A council constituted by section 2 of that Act.
- 22 A joint board, within the meaning of section 235(1) of...
- 23 A licensing board continued in existence by or established under...
- 24 The Strathclyde Passenger Transport Authority.
 - Part 4 — THE NATIONAL HEALTH SERVICE
- 25 The Clinical Standards Board for Scotland.
- 26 The Common Services Agency for the Scottish Health Service.
- 27 A Health Board, constituted under section 2 of the National...
- 27A Healthcare Improvement Scotland.
- 28 The Health Education Board for Scotland.
- 29 The Health Technology Board for Scotland.
- 29A The National Waiting Times Centre Board
- 30 A local health council, established under section 7 of the...
- 31 A National Health Service trust.
- 32 NHS 24.
- 32A NHS Education for Scotland
- 32B NHS Health Scotland
- 32C NHS Quality Improvement Scotland
- 33 A person providing primary medical services under a general medical...
- 34 A person providing primary medical services or personal dental services...
- 35 A person providing, in Scotland, piloted services within the meaning...
- 36 The Post Qualification Education Board for Health Service Pharmacists in...
- 37 The Scottish Advisory Committee on Distinction Awards.
- 38 The Scottish Advisory Committee on the Medical Workforce.
- 39 The Scottish Ambulance Service Board.
- 40 The Scottish Council for Post Graduate Medical and Dental Education....
- 41 The Scottish Dental Practice Board.
- 42 The Scottish Health Advisory Service.
- 43 The Scottish Hospital Endowments Research Trust.
- 44 The Scottish Hospital Trust.
- 45 The State Hospitals Board for Scotland.

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- 46 The Scottish Medical Practices Committee.
 - Part 5 — EDUCATIONAL INSTITUTIONS
- 47 The board of management of a college of further education...
- 48 A central institution within the meaning of the Education (Scotland)...
- 49 An institution in receipt of funding from the Scottish Further...
 - Part 6 — POLICE
- 50 A chief constable of a police force in Scotland.
- 51 A joint police board constituted by an amalgamation scheme made...
- 52 The Police Advisory Board for Scotland.
- 52A The Scottish Police Services Authority, but only in respect of...
 - Part 7 — OTHERS
- 53 The Accounts Commission for Scotland.
- 54 The Advisory Committee on Sites of Special Scientific Interest.
- 55 The Ancient Monuments Board for Scotland.
- 56 An area tourist board established by virtue of section 172(1)...
- 57 Audit Scotland.
- 58 The Auditor General for Scotland.
- 59 The Board of Trustees for the National Galleries of Scotland...
- 60 The Board of Trustees of the National Museums of Scotland...
- 61 The Board of Trustees of the Royal Botanic Garden, Edinburgh....
- 61A Bòrd na Gàidhlig
- 62 The Central Advisory Committee on Justices of the Peace.
- 62ZZA The Commission for Ethical Standards in Public Life in Scotland...
- 62ZA The Commissioner for Children and Young People in Scotland
- 62A A community justice authority.
- 62B The Convener of the Water Customer Consultation Panels (appointed under...
- 62C Creative Scotland.
 - 63 The Crofters Commission.
 - 64 The Deer Commission for Scotland.
 - 65 The Fisheries Committee continued in existence by paragraph 5 of...
 - 66 The General Teaching Council for Scotland.
- 66A Her Majesty's Chief Inspector of Prosecution in Scotland
- 67 Highlands and Islands Enterprise.
- 67A The Historic Environment Advisory Council for Scotland.
- 68 The Historic Buildings Council for Scotland.
- 68A The Judicial Appointments Board for Scotland
- 69 A justice of the peace advisory committee.
- 70 Learning and Teaching Scotland.
- 71 The Local Government Boundary Commission for Scotland.
- 72 The Mental Welfare Commission for Scotland.
- 73 A National Park authority, established by virtue of schedule 1...
- 74 The Parole Board for Scotland.
- 75 A person appointed for Scotland under section 3(1) of the...
- 75ZA The Public Appointments Commissioner for Scotland.
- 75A The Police Complaints Commissioner for Scotland.
- 75A The Public Transport Users' Committee for Scotland.
- 75B Quality Meat Scotland
- 75C The Risk Management Authority
- 76 The Royal Commission on the Ancient and Historical Monuments of...
- 77 The Scottish Agricultural Wages Board.
- 78 The Scottish Arts Council.
- 79 The Scottish charities nominee, appointed under section 12 of the...

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- 80 The Scottish Children’s Reporter Administration.
- 80B The Scottish Commission for Human Rights.
- 81 The Scottish Commission for the Regulation of Care.
- 82 The Scottish Conveyancing and Executry Services Board.
- 83 The Scottish Criminal Cases Review Commission.
- 84 Scottish Enterprise.
- 85 The Scottish Environment Protection Agency.
- 85A The Scottish Further and Higher Education Funding Council.
- 85B The Scottish Housing Regulator.
- 86 The Scottish Further Education Funding Council.
- 87 The Scottish Higher Education Funding Council.
- 88 Scottish Homes.
- 89 The Scottish Industrial Development Advisory Board.
- 90 The Scottish Information Commissioner.
- 91 The Scottish Law Commission.
- 92 The Scottish Legal Aid Board.
- 92A The Scottish Legal Complaints Commission.
- 92B The Scottish Local Authorities Remuneration Committee
- 93 Scottish Natural Heritage.
- 94 The Scottish Prison Complaints Commission.
- 95 The Scottish Public Services Ombudsman.
- 96 The Scottish Qualifications Authority.
- 97 The Scottish Records Advisory Council.
- 98 Scottish Screen.
- 99 The Scottish Social Services Council.
- 100 The Scottish Sports Council.
- 101 The Scottish Tourist Board.
- 102 Scottish Water.
- 102A Social Care and Social Work Improvement Scotland.
- 103 Social Inclusion Partnerships.
- 104 The Standards Commission for Scotland.
- 105 The Trustees of the National Library of Scotland.
- 105A VisitScotland.
- 106 The Water Industry Commission for Scotland.

SCHEDULE 2 — The Scottish Information Commissioner

- 1 *Status*
- 2 *Pensions, allowances, etc.*
- 3 *Staff*
- 4 *Accountable officer*
- 5 *Accounts*
- 6 *General powers*

Budget

- 4A (1) The Commissioner must, before the start of each financial...

Location of office

- 7 The Commissioner must comply with any direction given by the...

Sharing of premises, staff, services and other resources

- 8 The Commissioner must comply with any direction given by the...

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Restrictions on subsequent appointments etc.

- 9 (1) A person who has ceased being the Commissioner may...

SCHEDULE 3 — Powers Of Entry And Inspection

- 1 *Grant of warrants*
2 (1) A sheriff must not grant the warrant unless satisfied—...
3 *Execution of warrants*
4 The warrant must be executed at a reasonable hour, unless...
5 (1) If the premises in respect of which the warrant...
6 (1) A person seizing anything in pursuance of the warrant...
7 *Matters exempt from inspection and seizure*
8 (1) Subject to the provisions of this paragraph, the powers...
9 If the person in occupation of premises in respect of...
10 *Offences*
11 *Vessels, vehicles etc.*

SCHEDULE 4 — Consequential Amendments To Scottish Public Services
Ombudsman Act 2002

- 1 In section 19(8) of the Scottish Public Services Ombudsman Act...
2 In schedule 5 to that Act (which specifies persons or...

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