



# Freedom of Information (Scotland) Act 2002

2002 asp 13

## PART 6

### CODES OF PRACTICE

#### **60 Code of practice as to functions under this Act**

- (1) The Scottish Ministers are to issue, and may from time to time revise, a code of practice providing guidance to Scottish public authorities as to the practice which it would, in the opinion of the Ministers, be desirable for the authorities to follow in connection with the discharge of the authorities' functions under this Act.
- (2) The code must, in particular, include provision relating to—
  - (a) the provision of advice and assistance by the authorities to persons who propose to make, or have made, requests for information;
  - (b) the transfer of requests by one of the authorities to another by which the information requested is or may be held;
  - (c) consultation with persons to whom information requested relates or with persons whose interests are likely to be affected by the disclosure of such information;
  - (d) the inclusion in contracts entered into by the authorities of terms relating to the disclosure of information;
  - (e) the provision by the authorities of procedures for dealing with complaints about the handling by the authorities of requests for information; and
  - (f) the collection and recording by the authorities of statistics as respects the discharge by them of their functions under this Act.
- (3) The code may make different provision for different Scottish public authorities.
- (4) Before issuing or revising the code, the Scottish Ministers are to consult the Commissioner.
- (5) The Scottish Ministers must lay the code, and any revised code made under this section, before the Parliament.

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*Status: Point in time view as at 15/02/2024.*

*Changes to legislation: Freedom of Information (Scotland) Act 2002, Part 6 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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## **61 Code of practice as to the keeping, management and destruction of records**

- (1) The Scottish Ministers are to issue, and may from time to time revise, a code of practice providing guidance to Scottish public authorities as to the practice which it would, in the opinion of the Ministers, be desirable for the authorities to follow in connection with the keeping, management and destruction of the authorities' records.
- (2) The code may also include guidance as to the practice—
  - (a) to be adopted in relation to the transfer of records to the Keeper of the Records of Scotland;
  - (b) of reviewing records before they are so transferred; and
  - (c) to be adopted where one Scottish public authority holds records on behalf of another such authority.
- (3) In exercising their functions under this section, the Scottish Ministers are to have regard to the public interest in allowing public access to information held by Scottish public authorities.
- (4) The code may make different provision for different Scottish public authorities.
- (5) Before issuing or revising the code the Scottish Ministers are to consult—
  - (a) the Commissioner; and
  - (b) the Keeper of the Records of Scotland.
- (6) The Scottish Ministers must lay the code, and any revised code made under this section, before the Parliament.

**Status:**

Point in time view as at 15/02/2024.

**Changes to legislation:**

Freedom of Information (Scotland) Act 2002, Part 6 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.