



Freedom of Information (Scotland) Act 2002

2002 asp 13

PART 3

THE SCOTTISH INFORMATION COMMISSIONER

43 General functions of Commissioner

- (1) The Commissioner, with a view in particular to promoting the observance by Scottish public authorities of the provisions of—
 - (a) this Act; and
 - (b) the codes of practice issued under sections 60 and 61,is to promote the following of good practice by those authorities.
- (2) The Commissioner—
 - (a) must determine what information it is expedient to give the public concerning the following matters—
 - (i) the operation of this Act;
 - (ii) good practice;
 - (iii) other matters within the scope of that officer's functions,and must secure the dissemination of that information in an appropriate form and manner; and
 - (b) may give advice to any person as to any of those matters.
- (3) The Commissioner may assess whether a Scottish public authority is following good practice.
- (4) The Commissioner may from time to time make proposals to the Scottish Ministers for the exercise by them of their functions under sections 4 and 5 of this Act.
- (5) The Commissioner may determine and charge sums for services provided under this section.

Status: Point in time view as at 30/09/2002. This version of this provision has been superseded.

Changes to legislation: Freedom of Information (Scotland) Act 2002, Section 43 is up to date with all changes known to be in force on or before 20 June 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)

- (6) Any sum received by the Commissioner by virtue of subsection (5) is to be retained by that officer and applied to meet expenditure incurred in respect of the services so provided.
- (7) The Commissioner must from time to time consult the Keeper of the Records of Scotland about the promotion under subsection (1) of the observance by Scottish public authorities of the provisions of the code of practice issued under section 61.
- (8) In this section “good practice”, in relation to a Scottish public authority, means such practice in the discharge of its functions under this Act as appears to the Commissioner to be desirable, and includes (but is not limited to) compliance with the requirements of this Act and the provisions of the codes of practice issued under sections 60 and 61.

Modifications etc. (not altering text)

- C1** S. 43(1)-(3)(5)-(8) applied (with modifications) (1.1.2005) by [The Environmental Information \(Scotland\) Regulations 2004 \(S.S.I. 2004/520\)](#), **reg. 18(5)(6)** (with reg. 3)

Status:

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