

Anonymous Individual Response (ID no 05)

Proposed FoIS bill

SECTION 1 - ABOUT YOU

1. Are you responding as:

x an individual – in which case go to Q2A

2A. Which of the following best describes you? (If you are a professional or academic whose experience or expertise is not relevant to the proposal, please choose “Member of the public”)

Politician (MSP/MP/Peer/MEP/Councillor)

Professional with experience in a relevant subject

Academic with expertise in a relevant subject

Member of the public

3. Please choose one of the following; if you choose the first option, please provide your name or the name of your organisation as you wish it to be published.

I am content for this response to be attributed to my organisation

I would like this response to be anonymous (the response may be published, but no name)

I would like this response to be confidential (no part of the response to be published)

4. Please provide details of a way in which we can contact you if there are queries regarding your response. (Email is preferred but you can also provide a postal address or phone number. We will not publish these details.)

[Redacted]

Section 2 YOUR VIEWS ON THE PROPOSAL

Freedom of information legislation must be “fit for purpose”. The current Act is not. Section 5 is not being used as it should be.

Many more organisations need to be accountable about how they spend funding they receive from the public purse. The current Scottish Government puts too much emphasis on the “rights of those receiving funding from the public purse” rather than on the rights of Scottish citizens having access to how that funding is spent. It doesn’t matter whether or not the organisation or company is in the public, private or third sector. What matters is that if the service being delivered is funded by money from the public purse, then how that service is provided needs to be open, transparent, accountable and accessible. It needs to provide the data/information in a way that people understand, and it should be publishing that data/information before people have to ask for it.

Freedom of information is a basic human right. The current Scottish Government tells us that it has a good record in human rights and that all its policies are human rights impact assessed. However, it pays little notice to Article 10 of the Human Rights Act: Freedom of expression

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

The current act needs a serious overhaul.

Aim and approach

5. Which of the following best expresses your view of the proposed Bill?

X Fully supportive

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

Fully opposed

Unsure

Please explain the reasons for your response.

FoISA came into force in 2005 when it was a huge step in opening up scrutiny of the public sector. Since then, however, it has become clear that the omission from the act of the provision of and spending by the private sector of public funds is a serious deficit. Simply amending the act to include the private sector is not enough. The whole act is overdue for revision to bring it up to date with the current world.

Data Protection

As an MSP, I must comply with the requirements of the General Data Protection Regulation (GDPR) and other data protection legislation which places certain obligations on me when I process personal data. As stated above, I will normally publish your response in full, together with your name, unless you request anonymity or ask for your response not to be published. I will not publish your signature or personal contact information.

Information on how I process your personal data is set out in my **privacy notice**, which can be found [here](#). Please confirm that you have read the privacy notice by ticking the box below.

- I confirm that I have read and understood the **privacy notice** (referred to above) to this consultation which explains how my personal data will be used.