

Individual response (Individual ID no 07)

David Somervell

Consultation on a proposed Freedom of Information Reform (Scotland) Bill

<https://www.parliament.scot/bills-and-laws/proposals-for-bills/proposed-freedom-of-information-scotland-bill>

1. Are you responding as:

- 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”)

- Member of the public

2B. Please select the category which best describes your organisation:

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 me or my organisation
Name/organisation: David Somervell

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.) Note: All answers to the questions may be published (unless your response is “not for publication”).

Contact details: [Redacted]

Aim and approach

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

- Fully supportive

These proposals are long overdue. I fully support them as someone who has spent a lifetime serving a large publicly funded institution.

I wonder how this relates to the Freedom of Environmental Information under the Environmental Information (Scotland) Regulations (EISRs) / Aarhus Convention. Would it be possible to bring these together as part of the reform – simplify and combine them?

Detail of the proposal

6. Which of the following best expresses your view on the private sector being designated under FoISA if it is publicly funded and the service is of a public nature

- Fully supportive

My main concern is to ensure consistency between the two schemes – and making it just one obligation for FoI and Environmental Information

7. Which of the following best expresses your view on the third / charitable/ voluntary sector being designated under FoISA if it is publicly funded and the service is of a public nature?

- χ Fully supportive

Should also include Community Interest Companies

8. Which of the following best expresses your view on the creation of a new statutory officer within designated authorities – a Freedom of Information Officer?

- χ Fully supportive

This was a significant omission in original legislation.

9. Which of the following best expresses your view on creating a statutory duty to publish information?

- χ Fully supportive

No point in placing the obligation on organisations without requiring them to also make such information publicly available.

10. Which of the following best expresses your view on reducing exemptions under FoISA?

- χ Fully supportive

The proposals appear fair and proportionate.

11. Which of the following best expresses your view on amending FoISA to prevent the use of confidentiality clauses where inappropriate between public authorities and contractors providing public services?

- χ Fully supportive

Keen to minimise such gagging clauses.

12. Which of the following best expresses your view on FoISA being updated to ensure aspects of procurement policy set by the Scottish Government are covered?

- χ Fully supportive

Essential to expose public procurement to proper scrutiny.

Financial implications

13. Any new law can have a financial impact which would affect individuals businesses, the public sector, or others. Do you think any cost is outweighed by the public interest benefit?

- χ Yes

Vital to ensure that all publicly funded activities are included and that those in receipt of public funding should properly and transparently publish the nature and extent of public funding to their organisation.

Submitted to clarkkatyfoi@parliament.scot on 11 January 2023

Data Protection

I confirm that I have read and understood the [privacy notice](#) to this consultation which explains how my personal data will be used.