



## Consultation on a proposed Freedom of Information Reform (Scotland) Bill by Katy Clark MSP

### Organisational Response (Organisation ID no 47)

#### 36. Questions

You are required to complete questions 1-5. Please complete the remaining parts of the consultation that are of interest. You do not need to answer all the questions.

#### SECTION 1 - ABOUT YOU

##### 1. Are you responding as:

- an individual – in which case go to Q2A
- on behalf of an organisation? – in which case go to Q2B

I am responding on behalf of an organisation.

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

2B. It is a third sector organisation: a non-profit news website.

#### 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
- 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)

The organisation's name is openDemocracy and we are happy for the response to be attributed to us.



**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.)**

Contact: [Redacted]

## **Aim and approach**

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

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

We are **'fully supportive'**.

We fully support the strengthening of people's right to access information. The FoISA must be extended to cover bodies delivering public services, services of a public nature and publicly funded services. It is also a good opportunity to examine in detail how WhatsApp messages and texts used for official business should be stored, and subsequently accessed when a freedom of request is submitted.

## **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**

We are **'fully supportive'**.

We are fully supportive of the private sector being designated under FoISA if it is publicly funded and the service is of public nature. It is crucial to scrutinise companies that provide public services and assess how taxpayers' money is being spent.



**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?**

We are 'fully supportive'.

We are supportive of strengthening the role of a FOI officer within organisations.

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

We are 'fully supportive'.

It is essential that disclosure logs are complete and kept up-to-date. A complete disclosure log helps people to check whether the information they're seeking is already in the public domain, and they may not need to submit a FOI request.

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

We are 'fully supportive'.

**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?**

We are 'fully supportive'.

We are fully supportive of amending FoISA to prevent the use of confidentiality clauses where inappropriate between public authorities and contractors providing public services. It is absolutely in the public interest to scrutinise the delivery of public services by contractors, and inappropriate confidentiality clauses get in the way of that.



## 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?**

- Yes
- No
- Not Sure

'Yes'.

## Sustainability

**15. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations. Do you think the proposal could impact in any of these areas?**

Please explain the reasons for your answer, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

We think that the proposal would have a very positive impact on the environment, economy and society.

Finally, I confirm that I have read and understood the privacy notice to this consultation which explains how my personal data will be used.



## 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.

If a respondent is under 12 years of age, I will need to contact you to ask your parent or guardian to confirm to us that they are happy for you to send us your views.

- Please tick this box if you are under 12 years of age.

I may also edit any part of your response which I think could identify a third party unless that person has provided consent for me to publish it. If you wish me to publish information that could identify a third party, you should obtain that person's consent in writing and include it with your submission.

If you consider that your response may raise any other issues under the GDPR or other data protection legislation and wish to discuss this further, please contact me before you submit your response. Further information about data protection can be found at: [www.ico.gov.uk](http://www.ico.gov.uk).

## Freedom of Information (Scotland) Act 2002

As indicated above, once your response is received or is placed in the Scottish Parliament Information Centre (SPICe) or is made available to committees, it is considered to be held by the Parliament and is subject to the requirements of the FoISA. So if the information you send me is requested by third parties the Scottish Parliament is obliged to consider the request and provide the information unless the information falls within one of the exemptions set out in the Act, potentially even if I have agreed to treat all or part of the information in confidence or to publish it anonymously. I cannot therefore guarantee that any other information you send me will not be made public should it be requested

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under FoI. Further information about Freedom of Information can be found at:  
[www.itspublicknowledge.info](http://www.itspublicknowledge.info).