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Clare Adamson MSP
Convenor, Standards, Procedures and Public Appointments
Committee
The Scottish Parliament
EH99 1SP

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Dear Clare

Thank you for your letter of 11 September regarding the resolution passed by the Scottish Parliament on 21 June concerning the Freedom of Information (Scotland) Act 2002 (FOISA).

Scotland's Freedom of Information Act was recognised as landmark legislation in the first session of the newly re-established Parliament. The Act is well respected and has led to significant increase in the availability of information to the public.

In the debate on 21 June, I acknowledged that the recent performance of the Scottish Government in responding to requests had not been good enough. Since April we have been working with the Office of the Scottish Information Commissioner to improve our performance, including by improving reporting mechanisms, enhancing internal guidance on meeting the requirements of the Act and by increasing proactive publication of information.

These measures which include a series of performance improvement targets are intended to ensure that recent improvement becomes embedded across the Government. Our monthly performance figures have now been published for April to August 2017¹.

I look forward to engaging with the new Commissioner shortly and to discussing your suggestion that any inquiry is taken forward by his office – as well as what further action should be taken to make our FOI regime more transparent. I will be happy to keep the Committee updated.

A decision on post legislative scrutiny is not a matter for the Government but is rightly a matter for the Public Audit and Post Legislative Scrutiny Committee. As you will be aware the legislation has been revised on a number of occasions to bring more organisations within its scope and to reduce the lifespan of several exemptions – resulting in more information being placed in the public domain earlier than would have been the case had the Act not been re-opened.

¹ <http://www.gov.scot/About/Information/FOI/Reporting>

We are currently considering responses to a consultation on extending coverage to Registered Social Landlords and will publish our latest biennial report on the exercise of the power to extend coverage of FOISA at the end of October. Ahead of that point I would be grateful for the Committee's views on which further organisations they may wish to propose for consideration for inclusion within scope of FOISA.

JOE FITZPATRICK