

**From:** Scottish Information Commissioner <[media@itspublicknowledge.info](mailto:media@itspublicknowledge.info)>

**Sent:** 08 June 2020 15:27

**To:** Scottish Information Commissioner <[media@itspublicknowledge.info](mailto:media@itspublicknowledge.info)>

**Subject:** UPDATE FROM THE SCOTTISH INFORMATION COMMISSIONER

## **UPDATE FROM THE SCOTTISH INFORMATION COMMISSIONER**

**8 JUNE 2020**

### **New guidance on requests responded to between 7 April and 26 May 2020**

The Commissioner has published new guidance for authorities on how the recent changes to the Coronavirus (Scotland) Act and Freedom of Information (Scotland) Act affect requests for information or review which were **responded to between 7 April and 26 May 2020**.

The additional guidance sets out that while the 20-working day maximum time limit applies to all other requests, where a request for information or review was **responded to in the period 7 April to 26 May 2020**, this will be judged by the Commissioner in accordance with the **60 working day limit** that was in force at the time.

This additional guidance (and updated answers to FAQs for authorities) is now available on the Commissioner's [Covid-19 and FOI information hub](#).

### **The Commissioner's office and services**

Like many other Scottish public authorities, the office of the Scottish Information Commissioner has been impacted by the coronavirus Covid-19 pandemic.

Though our office premises are temporarily closed in line with government guidance, most of our services are still available and are being conducted using secure remote systems (including enforcement investigations and appeals).

Read more about the Commissioner's current services and activity in the [latest update](#).

You can also read the [Commissioner's article in today's Herald](#), on the importance of freedom of information during the pandemic and beyond.

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### **Scottish Information Commissioner**

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**From:** Scottish Information Commissioner <[media@itspublicknowledge.info](mailto:media@itspublicknowledge.info)>

**Sent:** 28 May 2020 15:12

**To:** Scottish Information Commissioner <[media@itspublicknowledge.info](mailto:media@itspublicknowledge.info)>

**Subject:** UPDATE FROM SIC: Changes to FOI duties now in force

## **UPDATE FOR SCOTTISH PUBLIC AUTHORITIES FROM THE OFFICE OF THE SCOTTISH INFORMATION COMMISSIONER 28 MAY 2020**

### **NEW CHANGES TO EMERGENCY FREEDOM OF INFORMATION DUTIES NOW IN FORCE**

On Wednesday 27 May 2020 the [Coronavirus \(Scotland\) \(No.2\) Act](#) came in to force.

As a result, the temporary emergency changes to freedom of information duties placed on Scottish public authorities made earlier this year (by the Coronavirus (Scotland) Act 2020) have been altered.

As set out in the update earlier this week, authorities are now once again **required to respond to requests for information and for review in no more than 20 working days** (with the standard exceptions for requests to the Keeper of the Records of Scotland and to grant-aided and independent special schools).

The normal duty under the Freedom of Information (Scotland) Act 2002 to reply promptly remains in place and has done throughout the period of the pandemic.

### **UPDATED INFORMATION HUB AND GUIDANCE NOW AVAILABLE**

The Commissioner's [Covid-19 and FOI Information Hub](#) has been updated to reflect the changes to the law. This includes:

- [Detailed information for authorities on the impact of the latest changes >](#)
- [Updated guidance on how the Commissioner will determine the effects of the coronavirus on an authority's ability to respond to requests \[PDF\] >](#)
- [Updated answers to frequently asked questions from authorities about the changes >](#)
- [Updated information and guidance for people wishing to make a request for information during the pandemic >](#)

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**From:** Scottish Information Commissioner <[media@itspublicknowledge.info](mailto:media@itspublicknowledge.info)>

**Sent:** 25 May 2020 12:35

**To:** Scottish Information Commissioner <[media@itspublicknowledge.info](mailto:media@itspublicknowledge.info)>

**Subject:** UPDATE FROM SIC: Changes to FOI duties for Scottish public authorities

## **UPDATE FOR SCOTTISH PUBLIC AUTHORITIES FROM THE OFFICE OF THE SCOTTISH INFORMATION COMMISSIONER 25 MAY 2020**

### **Changes to FOI duties for Scottish Public Authorities:**

Last week the Scottish Parliament passed the Coronavirus (Scotland) (No.2) Act 2020. It affects several of the emergency changes made to the Freedom of Information (Scotland) Act 2002 by the Coronavirus (Scotland) Act in April 2020.

**It will receive Royal Assent this week and will come in to force the following day.** The key changes it makes are [summarised on our website](#), and we will publish detailed guidance shortly.

### **Please note that:**

- As a result of the new changes, all requests for information and requests for review must still be **responded to promptly, and within a maximum timescale of 20 working days**. This applies to all requests (including those made between 7 April - the day the first Coronavirus (Scotland) Act came into force - and when the new law comes in to force).
  - The Scottish Information Commissioner has discretion to find that a public authority complied with FOISA despite missing the 20 working day deadline if the missed deadline was:
    - Due to the effect of coronavirus OR the public authority was working to the 60 working day deadline while it was in force (7 April to date the new law comes in to force);
- AND
- Reasonable in all the circumstances. In deciding whether a delay was reasonable, the Commissioner's primary consideration must be the public interest in authorities complying promptly with information requests.

During this time it will continue to be important for authorities to keep records of their request handling, and reasons for their FOI decisions. This will be for the purposes of both statistics collection and in case of reviews and appeals to the Commissioner.

### **Detailed guidance and further information**

We will send a further update once all our detailed guidance and the FOI and Covid-19 information hub has been updated to reflect the changes brought about by the Coronavirus (Scotland) (No.2) Act 2020. If you have any urgent queries in the meantime, please contact us at [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info).

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