



# Freedom of Information (Scotland) Act 2002 2002 asp 13

## FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

### PART 1

#### ACCESS TO INFORMATION HELD BY SCOTTISH PUBLIC AUTHORITIES

##### *Right to information*

- 1 General entitlement
- 2 Effect of exemptions
- 3 Scottish public authorities
- 4 Amendment of schedule 1
- 5 Further power to designate Scottish public authorities
- 6 Publicly-owned companies
- 7 Public authorities to which Act has limited application
- 7A Reports on section 5 power
- 8 Requesting information
- 9 Fees
- 10 Time for compliance
- 11 Means of providing information
- 12 Excessive cost of compliance
- 13 Fees for disclosure in certain circumstances
- 14 Vexatious or repeated requests
- 15 Duty to provide advice and assistance

##### *Responses to request*

- 16 Refusal of request
- 17 Notice that information is not held
- 18 Further provision as respects responses to request

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Freedom of Information (Scotland) Act 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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### *Content of certain notices*

#### 19 Content of certain notices

##### *Review of refusal, etc.*

#### 20 Requirement for review of refusal etc.

#### 21 Review by Scottish public authority

##### *Records transferred to the Keeper of the Records of Scotland*

#### 22 Special provisions relating to records transferred to Keeper

##### *Publication schemes*

#### 23 Publication schemes

#### 24 Model publication schemes

### **PART 2**

#### EXEMPT INFORMATION

#### 25 Information otherwise accessible

#### 26 Prohibitions on disclosure

#### 27 Information intended for future publication

#### 28 Relations within the United Kingdom

#### 29 Formulation of Scottish Administration policy etc.

#### 30 Prejudice to effective conduct of public affairs

#### 31 National security and defence

#### 32 International relations

#### 33 Commercial interests and the economy

#### 34 Investigations by Scottish public authorities and proceedings arising out of such investigations

#### 35 Law enforcement

#### 36 Confidentiality

#### 37 Court records, etc.

#### 38 Personal information

#### 39 Health, safety and the environment

#### 40 Audit functions

#### 41 Communications with Her Majesty etc. and honours

### **PART 3**

#### THE SCOTTISH INFORMATION COMMISSIONER

#### 42 The Scottish Information Commissioner

#### 43 General functions of Commissioner

#### 44 Recommendations as to good practice

#### 45 Confidentiality of information obtained by or furnished to Commissioner

#### 46 Laying and publication of reports

#### 46A Strategic plans

### **PART 4**

#### ENFORCEMENT

#### 47 Application for decision by Commissioner

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- 48 When application excluded
- 49 Commissioner's decision
- 50 Information notices
- 51 Enforcement notices
- 52 Exception from duty to comply with certain notices
- 53 Failure to comply with notice
- 54 Powers of entry and inspection
- 55 No civil right of action against Scottish public authority
- 56 Appeal against notices under Part 4

#### **PART 5**

##### HISTORICAL RECORDS

- 57 The expression "historical record"
- 58 Falling away of exemptions with time
- 59 Power to vary periods mentioned in sections 57 and 58

#### **PART 6**

##### CODES OF PRACTICE

- 60 Code of practice as to functions under this Act
- 61 Code of practice as to the keeping, management and destruction of records

#### **PART 7**

##### MISCELLANEOUS AND SUPPLEMENTAL

- 62 Power to make provision relating to environmental information
- 63 Disclosure of information to Scottish Public Services Ombudsman or to Information Commissioner
- 64 Power to amend or repeal enactments prohibiting disclosure of information
- 65 Offence of altering etc. records with intent to prevent disclosure
- 65A Time limit for proceedings
- 66 Saving for existing powers of disclosure
- 67 Protection from actions for defamation
- 68 Scottish Parliament and Scottish Administration
- 69 Exercise of rights by children
- 70 Amendment of Public Records (Scotland) Act 1937
- 71 Amendment of Scottish Public Services Ombudsman Act 2002
- 72 Orders and regulations
- 73 Interpretation
- 74 Giving of notice etc.
- 75 Commencement
- 76 Short title

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#### SCHEDULE 1 — Scottish Public Authorities

##### Part 1 — MINISTERS, THE PARLIAMENT

- 1 The Scottish Ministers.
- 2 The Scottish Parliament.
- 3 The Scottish Parliamentary Corporate Body.

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## Part 2 — NON MINISTERIAL OFFICE HOLDERS IN THE SCOTTISH ADMINISTRATION

- 4 The Chief Dental Officer of the Scottish Administration.
- 5 The Chief Medical Officer of the Scottish Administration.
- 6 Her Majesty's Inspectors of Constabulary.
- 7 Her Majesty's Chief Inspector of Prisons for Scotland.
- 7A The Drinking Water Quality Regulator for Scotland
- 7B Food Standards Scotland.
- 8 Her Majesty's Inspector of Anatomy for Scotland.
- 9 Her Majesty's Chief Inspector of the Scottish Fire and Rescue...
- 10 Her Majesty's inspectors of schools (that is to say, the...
- 11 The Keeper of the Records of Scotland.
- 12 The Keeper of the Registers of Scotland.
- 12A The Office of the Scottish Charity Regulator
- 13 A procurator fiscal.
- 14 The Queen's and Lord Treasurer's Remembrancer.
- 15 The Queen's Printer for Scotland.
- 16 The Registrar General of Births, Deaths and Marriages for Scotland....
- 17 The Registrar of Independent Schools in Scotland.
- 18 A rent officer appointed under section 43(3) of the Rent...
- 18A The Scottish Court Service.
- 18AA The Scottish Fiscal Commission
- 18B The Scottish Housing Regulator.
- 19 A social work inspector appointed under section 4 of the...

## Part 3 — LOCAL GOVERNMENT

- 20 An assessor appointed under section 27(2) of the Local Government...
- 21 A council constituted by section 2 of that Act.
- 22 A joint board, within the meaning of section 235(1) of...
- 23 A licensing board continued in existence by or established under...
- 24 The Strathclyde Passenger Transport Authority.

## Part 4 — THE NATIONAL HEALTH SERVICE

- 25 The Clinical Standards Board for Scotland.
- 26 The Common Services Agency for the Scottish Health Service.
- 27 A Health Board, constituted under section 2 of the National...
- 27A Healthcare Improvement Scotland.
- 28 The Health Education Board for Scotland.
- 29 The Health Technology Board for Scotland.
- 29A The National Waiting Times Centre Board
- 30 A local health council, established under section 7 of the...
- 31 A National Health Service trust.
- 32 NHS 24.
- 32A NHS Education for Scotland
- 32B NHS Health Scotland
- 32C .....
- 33 A person providing primary medical services under a general medical...
- 34 A person providing primary medical services or personal dental services...
- 35 A person providing, in Scotland, piloted services within the meaning...
- 36 The Post Qualification Education Board for Health Service Pharmacists in...
- 37 The Scottish Advisory Committee on Distinction Awards.
- 38 The Scottish Advisory Committee on the Medical Workforce.
- 39 The Scottish Ambulance Service Board.

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- 40 The Scottish Council for Post Graduate Medical and Dental Education....
- 41 The Scottish Dental Practice Board.
- 42 The Scottish Health Advisory Service.
- 43 The Scottish Hospital Endowments Research Trust.
- 44 The Scottish Hospital Trust.
- 45 The State Hospitals Board for Scotland.
- 46 The Scottish Medical Practices Committee.
  - Part 5 — EDUCATIONAL INSTITUTIONS
- 47 The board of management of a college of further education...
- 48 A central institution within the meaning of the Education (Scotland)...
- 49 An institution in receipt of funding from the Scottish Further...
  - Part 6 — POLICE
- 50 A chief constable of the Police Service of Scotland.
- 50A The Scottish Police Authority.
- 51 A joint police board constituted by an amalgamation scheme made...
- 52 The Police Advisory Board for Scotland.
- 52A .....
  - Part 7 — OTHERS
- 53 The Accounts Commission for Scotland.
- 54 .....
- 55 .....
- 56 .....
- 57 Audit Scotland.
- 58 The Auditor General for Scotland.
- 59 The Board of Trustees for the National Galleries of Scotland....
- 60 The Board of Trustees of the National Museums of Scotland....
- 61 The Board of Trustees of the Royal Botanic Garden, Edinburgh....  
Bòrd na Gàidhlig
- 61B The British Waterways Board.
- 62 .....
- 62ZZZA Children's Hearings Scotland.
- 62ZZA The Commissioner for Ethical Standards in Public Life in Scotland...
- 62ZA The Commissioner for Children and Young People in Scotland
- 62A .....
- 62B .....
- 62ZZC Community Justice Scotland.
- 62ZC The Convener of the School Closure Review Panels.
- 62C Creative Scotland.
- 62D The Criminal Courts Rules Council.
- 63 The Crofters Commission.
- 63A Crown Estate Scotland (Interim Management).
- 64 .....
- 65 .....
- 66 The General Teaching Council for Scotland.
- 66A Her Majesty's Chief Inspector of Prosecution in Scotland
- 67 Highlands and Islands Enterprise.
- 67ZA Historic Environment Scotland.
- 67ZB 67ZB ILF Scotland .
- 67A The Historic Environment Advisory Council for Scotland.
- 67B An integration joint board established by order under section 9(2)...
- 68 .....
- 68ZA The James Hutton Institute.

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- 68A The Judicial Appointments Board for Scotland
- 69 ... A Justice of the Peace Advisory Committee established under...
- 70 Learning and Teaching Scotland.
- 71 The Local Government Boundary Commission for Scotland.
- 71A The Moredun Research Institute.
- 72 The Mental Welfare Commission for Scotland.
- 72A Mobility and Access Committee for Scotland.
- 73 A National Park authority, established by virtue of schedule 1...
- 74 The Parole Board for Scotland.
- 75 A person appointed for Scotland under section 3(1) of the...
- 75ZA .....
- 75A .....
- 75AB The Police Investigations and Review Commissioner.
- 75B Quality Meat Scotland
- 75C The Risk Management Authority
- 76 .....
- 76A A School Closure Review Panel constituted under section 17A(3) of...
- 77 The Scottish Agricultural Wages Board.
- 78 .....
- 79 .....
- 79A The Scottish Association of Citizens Advice Bureaux, but only in...
- 80 The Scottish Children's Reporter Administration.
- 80AA The Scottish Civil Justice Council.
- 80B The Scottish Commission for Human Rights.
- 81 .....
- The Scottish Committee on Climate Change
- 82 .....
- 83 The Scottish Criminal Cases Review Commission.
- 84 Scottish Enterprise.
- 85 The Scottish Environment Protection Agency.
- 85ZA The Scottish Fire and Rescue Service.
- 85A The Scottish Further and Higher Education Funding Council.
- 85B .....
- 86 .....
- 87 .....
- 88 .....
- 89 .....
- 90 The Scottish Information Commissioner.
- 90A The Scottish Land Commission.
- 91 The Scottish Law Commission.
- 92 The Scottish Legal Aid Board.
- 92A The Scottish Legal Complaints Commission.
- 92B The Scottish Local Authorities Remuneration Committee
- 93 Scottish Natural Heritage.
- 94 .....
- 95 The Scottish Public Services Ombudsman.
- 96 The Scottish Qualifications Authority.
- 97 .....
- 98 .....
- 98A The Scottish Sentencing Council.
- 99 The Scottish Social Services Council.
- 100 The Scottish Sports Council.
- 101 .....

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- 102 Scottish Water.
- 102A Social Care and Social Work Improvement Scotland.
- 103 . . . . .
- 104 The Standards Commission for Scotland.
- 105 The National Library of Scotland .
- 105A VisitScotland.
- 106 The Water Industry Commission for Scotland.

SCHEDULE 2 — The Scottish Information Commissioner

- 1 *Status*
- 2 *Pensions, allowances, etc.*
- 3 *Staff*
- 4 *Accountable officer*
- 5 *Accounts*
- 6 *General powers*

*Budget*

- 4A (1) The Commissioner must, before the start of each financial...

*Location of office*

- 7 The Commissioner must comply with any direction given by the...

*Sharing of premises, staff, services and other resources*

- 8 The Commissioner must comply with any direction given by the...

*Restrictions on subsequent appointments etc.*

- 9 (1) A person who has ceased being the Commissioner may...

SCHEDULE 3 — Powers Of Entry And Inspection

- 1 *Grant of warrants*
- 2 (1) A sheriff must not grant the warrant unless satisfied—...
- 3 *Execution of warrants*
- 4 The warrant must be executed at a reasonable hour, unless...
- 5 (1) If the premises in respect of which the warrant...
- 6 (1) A person seizing anything in pursuance of the warrant...
- 7 *Matters exempt from inspection and seizure*
- 8 (1) Subject to the provisions of this paragraph, the powers...
- 9 If the person in occupation of premises in respect of...
- 10 *Offences*
- 11 *Vessels, vehicles etc.*

SCHEDULE 4 — Consequential Amendments To Scottish Public Services Ombudsman Act 2002

- 1 In section 19(8) of the Scottish Public Services Ombudsman Act...
- 2 In schedule 5 to that Act (which specifies persons or...

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**Changes and effects yet to be applied to :**

- sch. 1 para. 62A inserted by [2003 asp 4 sch. 4 para. 17\(c\)\(i\)](#)
- Sch. 1 para. 80A inserted by [2007 asp 3 Sch. 5 para. 28](#) (This amendment not applied to legislation.gov.uk. Sch. 5 para. 28 repealed (31.1.2011) by 2010 asp 8, sch. 4 Pt. 2; S.S.I. 2011/30, art. 3(1), Sch. 1)
- sch. 1 Pt. 4 para. 30 repealed by [2004 asp 7 sch. 2](#)
- sch. 1 Pt. 4 para. 31 repealed by [2004 asp 7 sch. 2](#)
- sch. 1 Pt. 7 words inserted by [2009 asp 12 sch. 2 para. 5](#)
- sch. 1 para. 63A words substituted by [2019 asp 1 Sch. 1 para. 4](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 50B inserted by [2016 asp 1 s. 114\(1\)\(a\)](#)
- sch. 1 para. 75AC inserted by [2017 asp 6 sch. para. 13\(2\)](#)
- sch. 1 para. 80C inserted by [2018 asp 9 Sch. 1 para. 19](#)