



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
- 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

Content of certain notices

- 19 Content of certain notices

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)

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 of reports

PART 4

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- 47 Application for decision by Commissioner
- 48 When application excluded
- 49 Commissioner's decision
- 50 Information notices
- 51 Enforcement notices

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- 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

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- 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

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- 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
- 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

SCHEDULE 1 — Scottish Public Authorities

Part 1 — MINISTERS, THE PARLIAMENT

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

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 Chief Inspector of Constabulary.

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- 7 Her Majesty's Chief Inspector of Prisons for Scotland.
- 7A The Drinking Water Quality Regulator for Scotland
- 8 Her Majesty's Inspector of Anatomy for Scotland.
- 9 Her Majesty's Chief Inspector of Fire and Rescue Authorities
- 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.
- 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...
- 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 NHS Quality Improvement Scotland
- 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.
- 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.

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- 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 a police force in Scotland.
- 51 A joint police board constituted by an amalgamation scheme made...
- 52 The Police Advisory Board for Scotland.
- 52A The Scottish Police Services Authority, but only in respect of...
 - Part 7 — OTHERS
- 53 The Accounts Commission for Scotland.
- 54 The Advisory Committee on Sites of Special Scientific Interest.
- 55 The Ancient Monuments Board for Scotland.
- 56 An area tourist board established by virtue of section 172(1)...
- 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
- 62 The Central Advisory Committee on Justices of the Peace.

- 62ZA The Commissioner for Children and Young People in Scotland
- 62A A community justice authority.
- 62B The Convener of the Water Customer Consultation Panels (appointed under...
 - 63 The Crofters Commission.
 - 64 The Deer Commission for Scotland.
 - 65 The Fisheries Committee continued in existence by paragraph 5 of...
 - 66 The General Teaching Council for Scotland.
- 66A Her Majesty's Chief Inspector of Prosecution in Scotland

- 67 Highlands and Islands Enterprise.
- 67A The Historic Environment Advisory Council for Scotland.
- 68 The Historic Buildings Council for Scotland.
- 68A The Judicial Appointments Board for Scotland
 - 69 A justice of the peace advisory committee.
 - 70 Learning and Teaching Scotland.
 - 71 The Local Government Boundary Commission for Scotland.
 - 72 The Mental Welfare Commission 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...
- 75A The Police Complaints Commissioner for Scotland.
- 75A The Public Transport Users' Committee for Scotland.
- 75B Quality Meat Scotland
- 75C The Risk Management Authority
- 76 The Royal Commission on the Ancient and Historical Monuments of...

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- 77 The Scottish Agricultural Wages Board.
- 78 The Scottish Arts Council.
- 79 The Scottish charities nominee, appointed under section 12 of the...
- 80 The Scottish Children's Reporter Administration.
- 80A The Scottish Civil Enforcement Commission.
- 80B The Scottish Commission for Human Rights.
- 81 The Scottish Commission for the Regulation of Care.
The Scottish Committee on Climate Change
- 82 The Scottish Conveyancing and Executry Services Board.
- 83 The Scottish Criminal Cases Review Commission.
- 84 Scottish Enterprise.
- 85 The Scottish Environment Protection Agency.
- 85A The Scottish Further and Higher Education Funding Council.
- 86 The Scottish Further Education Funding Council.
- 87 The Scottish Higher Education Funding Council.
- 88 Scottish Homes.
- 89 The Scottish Industrial Development Advisory Board.
- 90 The Scottish Information Commissioner.
- 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 The Scottish Prison Complaints Commission.
- 95 The Scottish Public Services Ombudsman.
- 96 The Scottish Qualifications Authority.
- 97 The Scottish Records Advisory Council.
- 98 Scottish Screen.
- 99 The Scottish Social Services Council.
- 100 The Scottish Sports Council.
- 101 The Scottish Tourist Board.
- 102 Scottish Water.
- 103 Social Inclusion Partnerships.
- 104 The Standards Commission for Scotland.
- 105 The Trustees of 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*

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...

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- 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 :

- s. 11(5) text amended by 2010 c. 15 Sch. 26 Pt. 2 para. 103 (as inserted) by [S.I. 2010/2279 Sch. 1 para. 6](#)
- s. 12(6) text amended by 2010 c. 15 Sch. 26 Pt. 2 para. 104 (as inserted) by [S.I. 2010/2279 Sch. 1 para. 6](#)
- s. 42(1A)(1B) inserted by [2010 asp 11 Sch. 4 para. 1\(a\)](#)
- s. 42(3) text amended by [2010 asp 11 Sch. 4 para. 1\(b\)](#)
- s. 42(3A)-(3C) inserted by [2010 asp 11 Sch. 4 para. 1\(c\)](#)
- s. 42(4)(c) text amended by [2010 asp 11 Sch. 4 para. 1\(d\)](#)
- s. 42(4)(d) and word repealed by [2010 asp 11 Sch. 4 para. 1\(e\)](#)
- s. 42(4A) inserted by [2010 asp 11 Sch. 4 para. 1\(f\)](#)
- s. 42(5) substituted by [2010 asp 11 Sch. 4 para. 1\(g\)](#)
- s. 42(7) text amended by [2010 asp 11 Sch. 4 para. 1\(h\)](#)
- s. 42(9A)-(9C) inserted by [2010 asp 11 Sch. 4 para. 2](#)
- s. 42(11)(b) text amended by [2010 asp 11 Sch. 4 para. 3](#)
- s. 42(11A)-(11C) inserted by [2010 asp 11 Sch. 4 para. 4](#)
- s. 43(5) text amended by [2010 asp 11 Sch. 4 para. 5\(a\)](#)
- s. 43(6) text amended by [2010 asp 11 Sch. 4 para. 5\(b\)](#)
- s. 46 title substituted by [2010 asp 11 Sch. 4 para. 6\(d\)](#)
- s. 46(1) text amended by [2010 asp 11 Sch. 4 para. 6\(a\)](#)
- s. 46(1A)(1B) inserted by [2010 asp 11 Sch. 4 para. 6\(b\)](#)
- s. 46(2A) inserted by [2010 asp 11 Sch. 4 para. 6\(c\)](#)
- s. 46(3A) inserted by [2010 asp 11 Sch. 4 para. 6\(d\)](#)
- s. 70(2) repealed by [2010 asp 8 s. 4\(5\)\(a\)](#)
- Sch. 1 para. 62ZZA inserted by [2010 asp 11 s. 27\(1\)](#)
- Sch. 1 para. 75ZA inserted by [2010 asp 11 s. 27\(2\)](#)
- Sch. 1 para. 98A inserted by [2010 asp 13 Sch. 1 para. 14](#)
- Sch. 1 para. 85B inserted by [2010 asp 17 Sch. 2 para. 9](#)
- Sch. 1 para. 62C inserted by [2010 asp 8 Sch. 10 para. 3\(a\)](#)
- Sch. 1 para. 62ZZZA inserted by [S.S.I. 2011/113 art. 4](#)
- Sch. 1 para. 27A inserted by [S.S.I. 2011/211 Sch. 2 para. 7\(a\)](#)
- Sch. 1 para. 102A inserted by [S.S.I. 2011/211 Sch. 1 para. 11\(b\)](#)
- Sch. 1 para. 65 omitted by [2010 c. 29 s. 46\(5\)](#)
- Sch. 1 para. 62B repealed by [2010 asp 8 Sch. 2 para. 21](#)
- Sch. 1 para. 78 repealed by [2010 asp 8 Sch. 10 para. 3\(b\)](#)
- Sch. 1 para. 98 repealed by [2010 asp 8 Sch. 10 para. 3\(b\)](#)
- Sch. 1 para. 19 repealed by [S.S.I. 2011/211 Sch. 1 para. 11\(a\)\(i\)](#)
- Sch. 1 para. 32C repealed by [S.S.I. 2011/211 Sch. 2 para. 7\(b\)](#)
- Sch. 1 para. 81 repealed by [S.S.I. 2011/211 Sch. 1 para. 11\(a\)\(ii\)](#)
- Sch. 1 Pt. 7 text amended by [2010 asp 8 s. 4\(5\)\(b\)](#)
- Sch. 1 Pt. 7 text amended by [2010 asp 8 s. 5\(4\)](#)
- Sch. 1 Pt. 7 text amended by [2010 asp 8 s. 2\(4\)](#)
- Sch. 2 para. 1(1) Sch. 2 para. 1 renumbered as Sch. 1 para. 1(1) by [2010 asp 11 Sch. 4 para. 9](#)
- Sch. 2 para. 6(1) Sch. 2 para. 6 renumbered as Sch. 2 para. 6(1) by [2010 asp 11 Sch. 4 para. 12](#)
- Sch. 2 para. 1(2) inserted by [2010 asp 11 Sch. 4 para. 9](#)
- Sch. 2 para. 4A inserted by [2010 asp 11 Sch. 4 para. 11](#)
- Sch. 2 para. 6(2) inserted by [2010 asp 11 Sch. 4 para. 12](#)
- Sch. 2 para. 7 8 inserted by [2010 asp 11 Sch. 4 para. 13](#)
- Sch. 2 para. 9 inserted by [2010 asp 11 Sch. 4 para. 14](#)

- Sch. 2 para. 1(4) substituted by [2010 asp 11 Sch. 4 para. 10](#)

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

- Blanket amendment text amended by [S.I. 2011/1043 art. 3 6](#)

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

- s. 46A inserted by [2010 asp 11 Sch. 4 para. 7](#)

Commencement Orders yet to be applied to the Freedom of Information (Scotland) Act 2002:

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2010/2169 art. 3-5](#) commences (2010 c. 29)
- [S.I. 2010/2317 art. 2 3](#) commences (2010 c. 15)
- [S.S.I. 2010/221 art. 3](#) commences (2010 asp 8)
- [S.S.I. 2011/96 art. 2 Sch.](#) commences (2010 asp 17)
- [S.S.I. 2011/278 art. 1](#) commences (2010 asp 8)