

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 4 – Enforcement

Section 50 – Information notices

124. This section enables the Commissioner to obtain from a Scottish public authority information (including unrecorded information) that he or she requires to deal with an application under section 47 or to determine on whether an authority has complied, or is complying, with the provisions of the Act or a code of practice issued under section 60 or 61. A written notice under this section is referred to as an “information notice”.
125. [Sections 50\(2\)](#) and [\(3\)](#) specify the contents of an information notice, which must include the time within which the information is to be given and details of any right of appeal which may be available to the authority under section 56. The time limit specified in the notice must not expire before the time for an authority to appeal under section 56 expires. Should an authority decide to exercise the right of appeal under that section, then the notice need not be complied with before that appeal is concluded.
126. [Sections 50\(5\)](#) and [\(6\)](#) set out that an authority is not required to supply the Commissioner with information relating to communications between a legal adviser and client (or a person representing a client) about the client’s compliance with the Act or about any proceedings arising from it.
127. Section 50(7) provides that the information requested by the Commissioner in an information notice cannot be withheld on the basis of any obligation to maintain secrecy, or of any other restriction on disclosure. This is subject to the limitation relating to the professional legal adviser and client relationship set out at [section 50\(5\)](#).