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
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
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

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 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.
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....
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.
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.
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.
75AC  The Poverty and Inequality Commission
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.
80C  The Scottish Commission on Social Security.
81   ................

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 .................................................................
102 Scottish Water.
102A Social Care and Social Work Improvement Scotland.
102B South of Scotland Enterprise.
103 .................................................................
104 The Standards Commission for Scotland.
105 The National Library of Scotland.
105A VisitScotland.

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...
Changes to legislation:
Freedom of Information (Scotland) Act 2002 is up to date with all changes known to be in force on or before 14 March 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to:
- s. 38(2B) words substituted by S.I. 2019/419 Sch. 3 para. 22(2)
- s. 38(3A)(a) words substituted by S.I. 2019/419 Sch. 3 para. 22(2)
- s. 38(5) words inserted by S.I. 2019/419 Sch. 3 para. 22(3)(c)
- s. 38(5) words omitted by S.I. 2019/419 Sch. 3 para. 22(3)(b)
- s. 38(5) words substituted by S.I. 2019/419 Sch. 3 para. 22(3)(a)
- s. 38(5A) words substituted by S.I. 2019/419 Sch. 3 para. 22(4)
- 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 para. 32B omitted by S.S.I. 2019/336 sch. 2 para. 2(2)(a)
- 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. 92C inserted by 2020 asp 3 sch. para. 2
- sch. 1 para. 35A inserted by S.S.I. 2019/336 sch. 2 para. 2(2)(b)