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) View outstanding changes

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
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...
35A Public Health Scotland.
36 The Post Qualification Education Board for Health Service Pharmacists...
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.

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.
62ZZZA 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.

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)...
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...
73A A person appointed for Scotland under section 3(1) of the...
74A ..... .........
75 The Parole Board for Scotland.
75A 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.
77A The Scottish Animal Welfare Commission.
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.
85ZB The Scottish Fuel Poverty Advisory Panel.
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
92C The Scottish National Investment Bank p.l.c.
93 Scottish Natural Heritage.
94  .............
95 The Scottish Public Services Ombudsman.
96 The Scottish Qualifications Authority.
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) View outstanding changes

<table>
<thead>
<tr>
<th>Page</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>97</td>
<td></td>
</tr>
<tr>
<td>98</td>
<td></td>
</tr>
<tr>
<td>98A</td>
<td>The Scottish Sentencing Council.</td>
</tr>
<tr>
<td>99</td>
<td>The Scottish Social Services Council.</td>
</tr>
<tr>
<td>100</td>
<td>The Scottish Sports Council.</td>
</tr>
<tr>
<td>101</td>
<td></td>
</tr>
<tr>
<td>102</td>
<td>Scottish Water.</td>
</tr>
<tr>
<td>102A</td>
<td>Social Care and Social Work Improvement Scotland.</td>
</tr>
<tr>
<td>102B</td>
<td>South of Scotland Enterprise.</td>
</tr>
<tr>
<td>103</td>
<td></td>
</tr>
<tr>
<td>104</td>
<td>The Standards Commission for Scotland.</td>
</tr>
<tr>
<td>105</td>
<td>The National Library of Scotland.</td>
</tr>
<tr>
<td>105A</td>
<td>VisitScotland.</td>
</tr>
</tbody>
</table>

SCHEDULE 2 — The Scottish Information Commissioner

<table>
<thead>
<tr>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>4A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location of office</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sharing of premises, staff, services and other resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Restrictions on subsequent appointments etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 (1) A person who has ceased being the Commissioner may...</td>
</tr>
</tbody>
</table>

SCHEDULE 3 — Powers Of Entry And Inspection

<table>
<thead>
<tr>
<th>Grant of warrants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Execution of warrants</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Matters exempt from inspection and seizure</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 (1) If the premises in respect of which the warrant...</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Offences</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
</tr>
<tr>
<td>11</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vessels, vehicles etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
</tr>
</tbody>
</table>

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

| 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:
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.

View outstanding changes

<table>
<thead>
<tr>
<th>Changes and effects yet to be applied to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>– s. 38(2B) words substituted by S.I. 2019/419 Sch. 3 para. 22(2)</td>
</tr>
<tr>
<td>– s. 38(3A)(a) words substituted by S.I. 2019/419 Sch. 3 para. 22(2)</td>
</tr>
<tr>
<td>– s. 38(5) words inserted by S.I. 2019/419 Sch. 3 para. 22(3)(c)</td>
</tr>
<tr>
<td>– s. 38(5) words omitted by S.I. 2019/419 Sch. 3 para. 22(3)(b)</td>
</tr>
<tr>
<td>– s. 38(5) words substituted by S.I. 2019/419 Sch. 3 para. 22(3)(a)</td>
</tr>
<tr>
<td>– s. 38(5A) words substituted by S.I. 2019/419 Sch. 3 para. 22(4)</td>
</tr>
<tr>
<td>– sch. 1 para. 62A inserted by 2003 asp 4 sch. 4 para. 17(c)(i)</td>
</tr>
<tr>
<td>– 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)</td>
</tr>
<tr>
<td>– sch. 1 Pt. 4 para. 30 repealed by 2004 asp 7 sch. 2</td>
</tr>
<tr>
<td>– sch. 1 Pt. 4 para. 31 repealed by 2004 asp 7 sch. 2</td>
</tr>
<tr>
<td>– sch. 1 para. 71 repealed by 2020 asp 12 Sch. para. 5(b)</td>
</tr>
<tr>
<td>– sch. 1 Pt. 7 words inserted by 2009 asp 12 sch. 2 para. 5</td>
</tr>
</tbody>
</table>

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. 7ZA inserted by 2020 asp 11 Sch. 2 para. 3 |
| – sch. 1 para. 61AA inserted by 2020 asp 12 Sch. para. 5(a) |
| – sch. 1 para. 79B inserted by 2020 asp 8 sch. 2 para. 2 |
| – sch. 1 para. 75BA inserted by 2021 asp 15 sch. 1 para. 20 |
| – sch. 1 para. 7AA inserted by 2021 asp 4 sch. 1 para. 15(2) |