

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 1 – Access to information held by Scottish public authorities

Section 1 – General entitlement

14. This section confers a general right of access to information held by a Scottish public authority (the authority).
15. A person making a request for information to a Scottish public authority is referred to as the applicant. If the information requested is held by that authority, then the applicant is entitled to be given it by the authority. Provisions limiting an authority's obligations under this section appear in section 1(3), in sections 2, 9, 12 and 14, and in Part 2 ("exempt information"). Sections 9, 12 and 14 relate to the nature of the request itself and the circumstances in which an authority is not obliged to comply with it. The provisions in section 1(3) and in section 2, which refers to Part 2, relate to the nature of the information requested.
16. Section 1(3) enables the authority to request any further information necessary in order to identify and locate the information. Section 8 of the Act requires that an applicant describe the information requested, and, although the Act does not prescribe the way in which this must be done, it is in an applicant's interest to describe the information requested in as much detail as possible to assist the authority to be able to identify and locate it. The applicant is not required to cite the Act in submitting a request for information.
17. The information communicated to an applicant is to be the information held by an authority at the time the request is received, except that an authority is allowed to make any amendment or deletion which would have been made, regardless of the receipt of the request, between that time and the time it gives the information. This is intended to support day-to-day records management arrangements. Requested information is not to be destroyed unless it would not be reasonably practicable to prevent such destruction from occurring.