



Freedom of Information (Scotland) Act 2002 2002 asp 13

PART 1

ACCESS TO INFORMATION HELD BY SCOTTISH PUBLIC AUTHORITIES

Right to information

3 Scottish public authorities

- (1) In this Act, “Scottish public authority” means—
 - (a) any body which, any other person who, or the holder of any office which—
 - (i) is listed in schedule 1; or
 - (ii) is designated by order under section 5(1); or
 - (b) a publicly-owned company, as defined by section 6.
- (2) For the purposes of this Act but subject to subsection (4), information is held by an authority if it is held—
 - (a) by the authority otherwise than—
 - (i) on behalf of another person; or
 - (ii) in confidence, having been supplied by a Minister of the Crown or by a department of the Government of the United Kingdom; or
 - (b) by a person other than the authority, on behalf of the authority.
- (3) Subsection (1)(a)(i) is subject to any qualification set out in schedule 1.
- (4) Information is not held by the Keeper of the Records of Scotland if it is contained in a record transferred to the Keeper by a public authority within the meaning of the Freedom of Information Act 2000 (c.36) unless it is information—
 - (a) to which subsections (2) to (5) of section 22 apply by virtue of subsection (6) of that section; or
 - (b) designated by that authority as open information for the purposes of this subsection.

Changes to legislation: Freedom of Information (Scotland) Act 2002, Section 3 is up to date with all changes known to be in force on or before 22 March 2024. 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. (See end of Document for details) View outstanding changes

- (5) Where the public authority mentioned in subsection (4) is the Secretary of State for Scotland and the information is contained in a record transferred as is mentioned in subsection (6) of section 22 the reference in subsection (4)(b) to “that authority” is to be construed as a reference to the Scottish Ministers.

Commencement Information

- II** S. 3 partly in force; s. 3 not in force at Royal Assent see s. 75(1); s. 3(1) in force at 30.9.2002 by [S.S.I. 2002/437, art. 2](#)

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[View outstanding changes](#)

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. 74A inserted by [2023 asp 6 sch. 2 para. 2\(2\)](#)