

SCHEDULE 4  
OTHER MEASURES IN RESPONSE TO CORONAVIRUS

**PART 8**

FREEDOM OF INFORMATION

*Modification of Coronavirus (Scotland) Act 2020*

- 10 (1) Part 2 of schedule 6 of the Coronavirus (Scotland) Act 2020 (freedom of information) is amended by this paragraph.
- (2) In paragraph 6(2), in sub-sub-paragraph (a)—
- (a) the words from “the effect” to “coronavirus),” become sub-sub-sub-paragraph (i),
  - (b) after that sub-sub-sub-paragraph insert “or
    - (ii) the authority operating under requirements of Part 2 of this schedule that were subsequently repealed before the end of the period during which Part 1 of this Act is in force,”.
- (3) After paragraph 6(2), insert—
- “(2A) In considering whether the failure was reasonable in all the circumstances, the Commissioner must regard the public interest in section 1(1) being complied with promptly as the primary consideration.”.”.
- 11 (1) The Coronavirus (Scotland) Act 2020 is amended as follows.
- (2) In schedule 6, Part 2 (freedom of information), the following paragraphs are repealed—
- (a) paragraph 3,
  - (b) paragraph 4,
  - (c) paragraph 5.

*Reporting on Scottish Ministers’ responses to requests for information*

- 12 (1) The Scottish Ministers must lay reports before the Scottish Parliament in accordance with this paragraph on their responses to requests for information under the Freedom of Information (Scotland) Act 2002 during the period that Part 2 of schedule 6 of the Coronavirus (Scotland) Act 2020 is in force.
- (2) A report under sub-paragraph (1) must contain information on—
- (a) backlogs in responding to requests,
  - (b) how many requests have been responded to,
  - (c) what was provided in response to requests,
  - (d) cases which were partially refused,
  - (e) the number of requests subject to an internal review,
  - (f) backlogs in the internal review process,
  - (g) appeals made to the Scottish Information Commissioner in respect of requests.

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*Status: This is the original version (as it was originally enacted).*

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- (3) A report under sub-paragraph (1) should be laid before the Parliament at the end of each reporting period.
- (4) A “reporting period” under sub-paragraph (3) is each successive period of 2 months that ends during the period before Part 1 expires by virtue of section 9(1).
- (5) The Scottish Ministers must lay a report under this paragraph before the Parliament no later than 14 days after the expiry of a reporting period.