

SCHEDULE 6 FUNCTIONING OF PUBLIC BODIES

PART 2

FREEDOM OF INFORMATION

Extension of periods in which certain authorities may respond

- 5 (1) This paragraph applies where the Scottish Ministers are of the view that the exercise of the powers conferred by this paragraph will enable Scottish public authorities to better utilise resources to respond to coronavirus.
- (2) The Scottish Ministers may by direction specify circumstances in which a Scottish public authority other than the Scottish Ministers may extend a relevant period.
- (3) A direction under sub-paragraph (2) must specify—
- (a) the maximum period by which the relevant period may be extended, which may not exceed 40 working days,
 - (b) that the Scottish public authority must give the applicant notice of the decision to extend the relevant period promptly and in any event no later than before the relevant period expires, and
 - (c) the contents of the notice to be given under paragraph (b), which must include—
 - (i) the authority’s reasons for extending the period, and
 - (ii) particulars about the right to a requirement for review under section 20(1) or, as the case may be, the right to apply to the Commissioner under section 47(1).
- (4) A direction under sub-paragraph (2) may specify different provision for different purposes and, in particular, different provision in respect of different Scottish public authorities.
- (5) Before giving a direction under sub-paragraph (2), the Scottish Ministers must consult the Commissioner.
- (6) The Scottish Ministers may vary or revoke a direction given under sub-paragraph (2) by giving another direction.
- (7) The Scottish Ministers must—
- (a) publish a direction given by them under this paragraph in such manner as they consider appropriate, and
 - (b) give a copy of the direction to the Commissioner.
- (8) For the purposes of this paragraph, “relevant period”, in relation to a request for information (or a subsequent requirement for review), means a period specified in section 10(1) or section 21(1) as those periods have effect by virtue of paragraph 3.