

## Response ID ANON-E458-D3XD-S

Submitted to Freedom of Information Reform (Scotland) Bill  
Submitted on 2025-10-14 11:24:32

### About you

1 Please read the privacy notice below and tick the box below to show that you understand how the data you provide will be used as set out in the policy.

I have read and understood how the personal data I provide will be used.

2 How your response will be published

I would like my response to be published in its entirety

3 What is your name?

Name:  
Dave Watson

4 What is your email address?

Email:  
contact@reidfoundation.scot

5 Are you responding as an individual or on behalf of an organisation?

Organisation

### Organisation details

1 Name of organisation

Name of organisation:  
Jimmy Reid Foundation

2 Information about your organisation

Please add information about your organisation in the box below:

The Jimmy Reid Foundation is a think tank which brings together different voices from across the left in Scotland to make the case for economic, environmental, political and social equity and justice in Scotland and further afield. In doing so, the Foundation seeks to build on the legacy that Jimmy Reid left us.

### Question page 1

1 To what extent do you believe the proposals in the Bill will help achieve its primary aim of improving transparency in Scotland by strengthening the Freedom of Information (Scotland) Act 2002?

Please provide your response in the box provided.:

Our experience of the current FoI provisions informs us that the legislation is in urgent need of reform. We believe the bill will strengthen the 2002 Act.

2 Do you support the proposal that when a public authority is deciding whether to withhold information under a qualified exemption, it must begin from the position that the information should be disclosed?

Yes

Please provide your response in the box provided.:

At present, too many public bodies, including the Scottish Government, begin from the position of avoiding providing the requested information. They either don't respond within the timescale or use a spurious exemption.

3 Do you agree with the repeal of the current provisions in relation to publication schemes and the introduction of a proactive publication duty and code of practice?

Yes

Please provide your response in the box provided.:

The publication schemes gather dust on the shelf (or website), and few public bodies act proactively. If they did, it would save time and resources for both public bodies and those seeking the information.

## Question page 2

1 Do you support the proposal that the 20-day period for a response to be provided should be paused rather than reset in relation to requests on which the public body seeks clarification from the requester?

Yes

Please provide your response in the box provided.:

It is a common ploy used by public bodies to delay answering information requests.

2 Do you think that the provisions of the Bill in relation to the reporting by Scottish Ministers of the use of 'section 5' powers to designate new public authorities would, as the Policy Memorandum contends, "incentivise Scottish Ministers to regularly use their section 5 powers and at a pace which enables the system of independent regulation to operate effectively"?

Yes

Please provide your response in the box provided.:

The power to designate new public bodies has been little used, and Scottish Ministers need to be pressed harder on this. Accountability and transparency should follow the public pound.

3 Do you support the requirement for all public authorities subject to the Act to designate a Freedom of Information officer?

Yes

Please provide your response in the box provided.:

It is evident from our experience and discussions with FoI staff that they often struggle to get more senior staff in other departments to respond to information requests promptly.

## Question page 3

1 The Bill proposes the introduction of an offence to prevent destruction of information with the intent to prevent disclosure, even when no information request has been made. Do you support this proposal?

Yes

Please provide your response in the box provided.:

Record keeping is a crucial element of our democracy. We should be proud of our national and local records, and we should discourage destruction.

2 Do you support the proposal to remove the power of the First Minister to 'veto' certain decision of the Scottish Information Commissioner in relation to information deemed to be of "exceptional sensitivity"?

Yes

Please provide your response in the box provided.:

There is an obvious risk that any First Minister could confuse 'exceptional sensitivity' with 'politically sensitive'. The Scottish Information Commissioner is both independent and has the necessary experience to make this judgement.

3 Do you support the proposals to strengthen the general functions and enforcement powers of the Scottish Information Commissioner, and to introduce an exemption for information provided to the Commissioner during the investigation of appeals?

Yes

Please provide your response in the box provided.:

There has been a significant increase in appeals due to poor FoI practice by public bodies. The SIC needs additional powers to address this.

## Question page 4

1 Do you have any views on the estimated costs and savings associated with the proposed changes set out in the Bill?

No

Please provide your response in the box provided.:

2 Please use the text box below to set out any further comments you wish to make about the Bill.

Please provide your response in the box provided.:

There are significant and evidenced problems in exercising the enforceable right to information in Scotland. In our experience, the position has deteriorated significantly in recent years. Poor practice, staffing shortages and deliberate avoidance are undermining this vital democratic safeguard. There is an urgent need to strengthen the legislation, and we urge MSPs to pass it before the next Scottish parliament elections.