



**Minute of the Scottish Public Information Forum (SPIF) meeting
Monday 5th March 2018
Scottish Youth Theatre, Glasgow**

Attendance: Donald Henderson, Perth & Kinross Council; Julian Calvert, Glasgow Caledonian University; Doreen Grove, Scottish Government; Pam Maxwell, LEAD Scotland; Gillian Munro, Children and Young People's Commissioner; Gerry Hendricks, Scottish Government; Alistair Sloan, Inksters; Sarah Haig, Glasgow City Council; Lauren Findlay, Glasgow City Council; Lorna Miller, Caledonia HA; Clare McMullan, University of Glasgow; Elaine Gibb, VAS; Derrick Emms, Sustainable Water Company; Daren Fitzhenry, Scottish Information Commissioner; Sarah Hutchison, Scottish Information Commissioner's Office; Margaret Keyse, Scottish Information Commissioner's Office; David Goldberg, CFol; Carole Ewart, CFol; Samantha Kerr CFoIS; Jonathan Robertson, VAS. **Members of the public were also in attendance.**

Apologies received from 5 people.

1. Welcome and introductions

Carole Ewart, Convenor of the Campaign for Freedom of Information in Scotland chaired the meeting and welcomed those in attendance to the third meeting of SPIF in its rejuvenated form.

Welcome from Voluntary Action Scotland (VAS) which hosted this meeting. Elaine Gibb, Development Manager introduced VAS - the network of local Third Sector Interfaces (TSIs) in Scotland. Key points: VAS supports TSIs on strengthening the impact of the local community and voluntary sector and to increase their reach and amplify their voice at national level. The remit and focus of this Forum has strong ties to what VAS and TSIs seek to achieve for the local community and voluntary sector. Local groups and organisations need good information to support them in developing their local plans, in taking forward well-informed social action and to help them inform, feed into and challenge decisions that are made about and with them. It is important they are able to seize the opportunities FOL is an essential tool to achieve better outcomes for communities <http://www.vascotland.org/>

2. Minutes of the Last Meeting

Proposed by Margaret Keyse

Matters arising all addressed within meeting agenda.

3. Office of the Scottish Information Commissioner - report from Daren Fitzhenry, Scottish Information Commissioner (SIC).

The Commissioner provided an update paper covering Applications and Decisions, Interventions, Legislation, Promoting FoI rights, Promoting FoI good practice and Model Publication Scheme. Attention was drawn to the two current interventions taking place with Scottish Ministers which were anticipated to have a long term impact on improving the internal processes of the Scottish Government as well as promote the visibility of enforcement mechanisms within FoISA.

The extension of FoISA to RSLs was highlighted - supporting this will be a significant work stream for the Scottish Information Commissioner.

Regarding promotion of FoI, the Office of the Scottish Information Commissioner will be working with Scottish Youth Parliament on case studies of young people who have used FoI.

The Commissioner is currently waiting to hear about possible post legislative scrutiny of FoISA and keen to get feedback from members of this Forum about opportunities to improve it.

Discussion points:

- Update on development of guidance on interaction between FoI and Human Rights.
- EIRs: major changes 'not expected' following the EU withdrawal bill.
- Clarification provided on RSLs being covered by the Environmental Information (Scotland) Regulations (EIR(S)s).
- Suggestion that tenant organisations should also get/would benefit from the training that RSLs will get on FoI
- Confirmation that the SIC can offer help to people who want to appeal information requests
- VAS highlighted opportunity to promote FoI rights via TSI network. Sarah Hutchison reported that TSIs had already been very helpful to SIC in reaching out to communities

4. The General Data Protection Regulation and its impact on access to information rights - Maureen H Falconer, Regional Manager, Scotland, Office of UK Information Commissioner

Maureen provided an overview of GDPR and requirements on/implications for data owners and controllers. A copy of the Power Point slides is provided separately.

Discussion points:

- Clarity needed regarding processors and controllers and who has the responsibility.
- Confirmation that all data protection complaints are handled by the Information Commissioners Office head office in Wilmslow.
- More Guidance on GDPR will be published mid to end of March.
- TSIs have been supporting ICO to communicate GDPR and doing a huge job to assist them in reaching out to small/community organisations.

5. The GDPR and FoISA – Margaret Keyse - Head of Enforcement, Office of Scottish Information Commissioner

A handout highlighting key sections of FoISA and EIR(S)s amended by the Data Protection Bill was circulated and summarised. Key points:

- GDPR means that other legislation needs amended including FoISA and EIR(S)s
- Changes will focus around disclosure via Fol of third party data
- The legal relation between Data Protection and Fol will not change much – but it was suggested that authorities may be ‘more wary’ of disclosing third party data under Fol requests in the short term

6. Designation of RSLs (housing associations) under FoISA - Sharing Our Learning! Donald Henderson, Information Compliance Manager, Perth & Kinross Council

Donald shared his knowledge and practice on preparing for, introducing and updating practice on complying with FoISA. He provided an overview of the Fol process and systems of Perth and Kinross Council. It was acknowledged all RSLs should already have good information systems because of existing compliance with the EIR(S)s and to maintain their relationships with tenants.

A copy of his Power Point is provided separately. Key points:

- RSLs have 1 year to comply – this should be plenty of time to get ready.
- Important that senior management are on board.
- From an RSL perspective – there is a lot to learn and smaller ones will be worried most. Messages about the importance of compliance needs to get through to all RSLs, fully.

7. Update on Scottish Parliament review of FoISA and the Independent Inquiry

No progress to report at this time

8. Access to information and judgements from the ECtHR and EU - Dr David Goldberg, Campaign for Freedom of Information in Scotland

David Goldberg reported on (i) *Sioutis v Greece* 21/09 - declared inadmissible (The Court concluded that the will to receive the information is not sufficient. Mr Sioutis is neither a journalist nor a watchdog, therefore he has limited possibilities to influence the public opinion or act in the public interest); (ii) European Commission has started to publish travel expenses proactively (For the purpose of making this an easier task, Access Info Europe has produced an explanatory GIF on how to get there); (iii) The European Ombudsman has published a Recommendation that the Council of the European Union increase transparency of its legislative process (Recommendation of the European Ombudsman in case OI/2/2017/TE on the Transparency of the Council legislative process

<https://www.ombudsman.europa.eu/en/cases/recommendation.faces/en/89518/html.boon>

kmark); and (iv) European Ombudsman has set up a 'Fast-Track' - Help in accessing EU documents faster

<https://www.ombudsman.europa.eu/en/press/infographic.faces/en/58/html.bookmark>

9. Showcasing best practice

Doreen Grove, Scottish Government, reported:

- OECD is looking at applying Open Government processes
- Due to time constraints it was agreed to postpone this item to the next meeting.

10. Sector updates:

Gillian Munro, Office of the Children and Young People's Commissioner Scotland:

- New Children's and Young Peoples Commissioner in post. Seeking to promote Children and Young People's human rights.
- Doing work to inform/make children and young people to be aware of their rights and about how they can raise FoI requests. Working in partnership with relevant third sector organisations and Scottish Youth Parliament.
- Children's Commissioner in England doing work on children and digital which would be worth looking at from a GDPR angle.

11. Next Meeting: 28th September 2018 in Dundee

12. AoCB

Doreen Grove, Head of Open Government, Scottish Government reported:

Heading into a second Open Government Acton Plan for Scotland

Invitation to get in touch with the Open Government Partnership.

<http://www.gov.scot/Topics/Government/OGP>

Carole Ewart closed the meeting and thanked all who had given reports and contributed to the discussions. She recorded appreciation to VAS for its hospitality and support in organising SPIF.