



Glasgow
Council
for the
Voluntary
Sector



Minute of the Scottish Public Information Forum (SPIF) meeting on Thursday 28th September 2017 at the Albany Learning and Conference Centre in Glasgow.

1. Welcome and Introductions

The meeting was opened by the Chair, Dave Watson of UNISON Scotland, who pointed out that as it was International Right to Know Day we needed to celebrate the purpose of SPIF which is to enable dialogue between rights holders and duty bearers. Helen Macneil, CEO of GCVS, welcomed delegates to the Third Sector training facility in Glasgow and explained the diversity of the work undertaken by members and the scale and reach of staff, volunteers and service users.

2. The Minutes of the Meeting of 12th May 2017ⁱ were approved.

3. Matters Arising – were dealt with within the Agenda.

4. Report from OSIC - Margaret Keyse, Acting Scottish Information Commissioner delivered a PowerPoint presentation, listed a number of developments and confirmed that the new Scottish Information Commissioner, Daren Fitzhenry, would take up post in October 2017. This was followed by questions and discussion.

5. Update from Scottish Government – Andrew Gunn from the Scottish Government reported on progress in complying with the enforcement action announced by OSIC and other developments in driving forward compliance with FoISA. This was followed by questions and frank discussion.

6. Project to mark International Right to Know Day – There was a presentation from the Abigail Wallace Member of the Scottish Youth Parliament (MSYP) on its project with CFoIS, to test out how FoISA rights work and to get specific information using FoISA rights. This was followed by questions and discussion. It was agreed that this was really helpful in understanding perceptions of FoI rights and interesting to learn what Abigail discovered.

7. **Conclusion of UNISON Scotland and CFoIS project and the Scottish Parliament's Motion of 21st June 2017ⁱⁱ** – Carole Ewart, Convener of CFoIS delivered a PowerPoint presentation and highlighted issues on recording information by duty bearers as well as using access to information rights. A problem is emerging in that the Scottish Parliament Motion of 21st June has still not been delivered. This was followed by questions and discussion. Given the feedback from some attendees about the difficulty in using FoISA on a practical basis, it was agreed that compliance with the existing law had to remain a campaigning issue for CFoIS as well as extending and improving the law.
8. **Report on the 10th International Conference of Information Commissionersⁱⁱⁱ and the Civil Society Event** – Chris Bartter from CFoIS reported on his attendance at the Conference in Manchester and spoke to his written report – attached to this Minute.
9. **International and European Developments including: The UK Data Protection Bill^{iv} and the General Data Protection Regulation (GDPR), The Scottish OGP National Action Plan and the EC Public Sector Re-Use Regulation.**
Kenneth Macdonald, Head of ICO Regions, provided an update. Following this illuminating contribution, there were questions and then discussion and it was agreed that the GDPR and access to information rights would be covered in more detail at the next meeting of SPIF.
Paul Bradley from Scottish OGP gave a brief update.
10. **Access to information and human rights** – Update by Carole Ewart.
11. **Sector updates:** Liz Cairns from Unite the union gave a brief update on their experiences as did individuals, TSIs and campaign groups that are using Fol.
12. **Date, time and place of next meeting of SPIF** – it would take place early in the new year probably in Dundee.
13. **AoCB** – CFoIS announced that its Lecture would now take place to mark International Human Rights Day and details would be circulated once they had been finalized.

Dave Watson closed the meeting and thanked all who had given reports and contributed to the discussions. He recorded appreciation to GCVS for its hospitality and support in organising SPIF.

ⁱ Available on the CFoIS website at <https://www.cfoi.org.uk/2017/06/minutes-of-spiif-meeting-friday-12th-may-2017/>

ⁱⁱ Motion S5M-06126, Passed Unanimously on 21st June 2017
That the Parliament condemns the Scottish Government's poor performance in responding to freedom of information requests; calls for an independent inquiry into the way that it deals with these, and agrees to undertake post-legislative scrutiny of the Freedom of Information (Scotland) Act 2002, and welcomes commitments by the Scottish Government to adopt a policy of pro-actively publishing all material released

under FOI to ensure that it is as widely available as possible.

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11021&i=100720>

Subsequently: Question S5W-09958: Jamie Greene, West Scotland, Scottish Conservative and Unionist Party, Date Lodged: 26/06/2017

To ask the Scottish Government whether it will implement the terms of motion S5M-06126 as amended (Freedom of Information Requests), which was agreed to on 21 June 2017, and, if so, (a) when and (b) what specific action it will take.

Answered by Joe FitzPatrick (24/07/2017): As I said in the debate on 21 June, the Scottish Information Commissioner who is completely independent of government is already scrutinising our **FOI** performance. We are co-operating fully with that scrutiny and have a programme of action under way to improve our performance. At this stage we do not think any alternative independent inquiry would be more effective than the Commissioner's current intervention, given the Commissioner's independence, expert knowledge and experience.

It is not for Government to tell Committees of this Parliament how to conduct their business or what business to conduct but if any committee decides now is the right time to review the **FOI** legislation then we would welcome that and would be fully cooperative.

We continue to look for opportunities to release information proactively. For example, from 3 July we have begun publishing all **FOI** releases as requests are answered.

ⁱⁱⁱ The conference passed a resolution aimed at tackling a key challenge for access to information frameworks around the world – the growth in contracted-out public services. More information available at <https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2017/09/international-conference-of-information-commissioners-highlights-need-for-greater-transparency-in-contracted-out-public-services/>

^{iv} For more information go to UK Parliament website

https://publications.parliament.uk/pa/bills/lbill/2017-2019/0066/lbill_2017-20190066_en_1.htm