



Scottish Information
Commissioner

L'ETAT ET MOI

The citizen and information

Kevin Dunion, Scottish Information Commissioner

**Franco-British Lawyers Society
Colloque 2006**

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The Bad Old Days



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No Right to Know



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THE RIGHT TO KNOW

THE INSIDE STORY OF
THE BELGRANO AFFAIR



CLIVE PONTING

‘Official Secrets Act Declaration’

“ I am aware that I should not divulge any information gained by me as a result of my appointment to any unauthorized person either orally or in writing without the previous official sanction of the Department appointing me..”

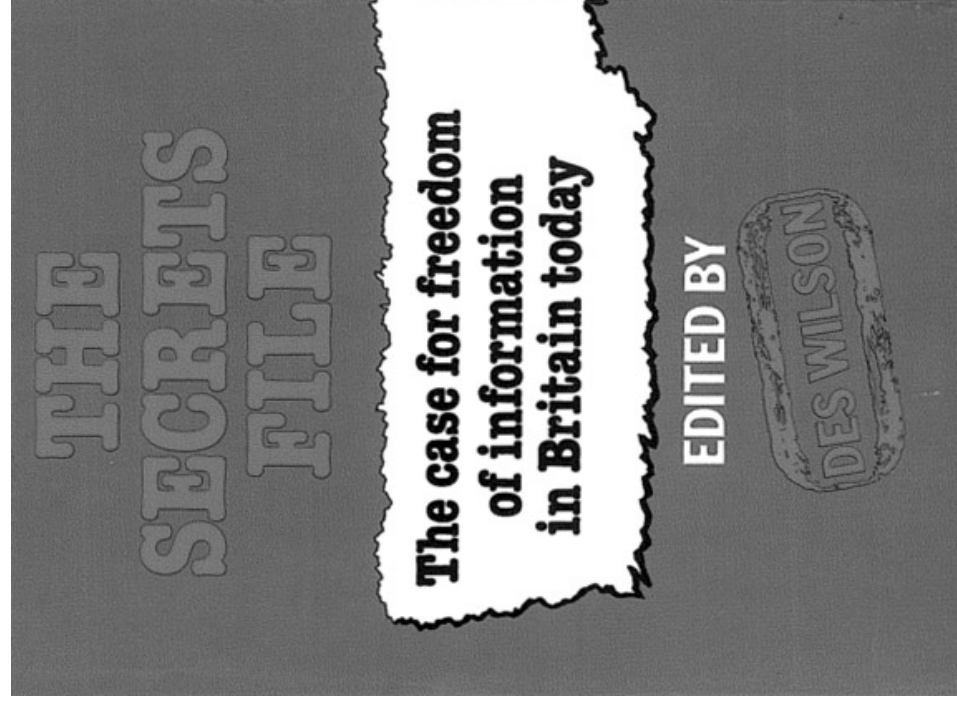
(Signed by civil servants on
appointment)

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A long fuse



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“ The real test of democracy is whether people can influence decisions as they are taken, can know exactly why, and, ideally, find it possible to support decisions and policies on the basis of access to the facts”

David Steel

Foreword to *The Secrets File*, 1984



**1 January 2005
A New Era**



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Freedom of Information (Scotland) Act 2002

Access to Information held by Scottish public
authorities

Right to Information

1 General Entitlement

- (1) A person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority.

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Measuring Up (1) – UN FoI Principles and FOISA



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Maximum Disclosure	Any information; any age; any person	***
Obligation to publish key information	Publication schemes	**
Actively promote open government	Provide advice and assistance	**
Narrowly drawn exceptions to disclosure	17 exemptions	**

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Measuring Up (2)– UN FoI Principles and FOISA



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Exceptions subject to strict harm and public interest tests	Several exemptions absolute or not subject to harm test	*
Rapid and fair processing of requests	20 working days	***
Costs should not deter requests	First £100 free; 10% of costs up to max of £600	***
Right to independent review of refusals	Right to cost free appeal to Scottish Information Commissioner	***

Public Awareness



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Have you ever heard of the Freedom of Information (Scotland) Act?

	Sept 04	Mar 05	Sep 05
Yes, definitely	30%	49%	57%
Yes, I think so	14%	20%	15%
No, don't think so	9%	5%	9%
No, definitely not	47%	26%	19%

“Police forced to release speed camera facts”



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“ POLICE and council chiefs have been ordered to release speed camera information to a motorist challenging a ticket in a landmark ruling.”

Edinburgh Evening News
May 2005



“Lewis, from Corstorphine, says he was driving at the permitted 30mph and not at 42mph.”

Picture: Gate Gillon.

Removal from a GPs patient list



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Tenders for Re-roofing



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