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## Scottish Information Commissioner's Newsletter - April 2004

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### Environmental Information Regulations: your chance to comment



The draft Environmental Information (Scotland) Regulations are now available on the Scottish Executive's website, at <http://www.scotland.gov.uk/consultations/environment/ateic-00.asp>.

The regulations will ensure that Scotland complies with the UNECE Convention on Access to Information, Public Participation and Access to Justice in environmental matters to which the UK government was a signatory at Aarhus in Denmark in 1998.

Draft guidance (<http://www.scotland.gov.uk/consultations/environment/ateic-04.asp>) and the draft section 62 code of practice accompanying the regulations aim to clarify the relationship of the EIRs and the Freedom of Information (Scotland) Act. For instance, the EIRs will apply not only to public authorities but to some private sector bodies too if, for example, they have entered into a PPP (Public, Private Partnership) delivering

environmental functions. Other topics covered in the guidance include:

- Main differences between new Regulations and the 1992 Regulations
- The definition of environmental information
- What is required of public bodies?
- Exceptions
- The public interest test
- The role of the Scottish Information Commissioner
- Monitoring requirements

The consultation period ends on 30th June 2004.



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### **Publicly-owned Companies and Publication Schemes**

All public authorities should have received a letter reminding them that the Act applies to all publicly-owned companies. Any company which is wholly owned by a public authority, or which is wholly owned by your authority in conjunction with other public authorities, must comply with the Act. This means, for example, that the companies will have to produce a publication scheme, reply to requests for information from 1 January 2005 and comply with the codes of practice under the Act.

Publication schemes for these companies should be submitted to the Commissioner by 31st August, and must be approved and in effect by 30th November 2004.

This applies to dormant companies as well as those which are fully operational. The Commissioner is considering preparing a model publication scheme which can be adopted by dormant companies. Remember you can find up-to-date information about model publication schemes on our website.



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### **What briefings on exemptions and key concepts of the Act would you like?**



In preparation for the implementation of the Freedom of Information (Scotland) Act 2002, the Scottish Information Commissioner aims to produce clear and practical briefings on the exemptions and other key concepts of the Act. These briefings are designed to provide the general public as well as staff of public authorities with greater understanding of the Act. We aim to publish these briefings on our website throughout the second half of this year.

We would like to know which exemptions and legal aspects of the Act are most likely to affect you or your sector and are therefore inviting you to write to us to let us know which are the areas of the Act on which you would most like guidance, and, if possible, to prioritise the areas you feel are most important to you.

Whilst we cannot guarantee that we will produce briefings on all of these issues, we will be guided by your comments and will take them into account.

Please send all comments to the following email address [briefings@itspublicknowledge.info](mailto:briefings@itspublicknowledge.info) by 31 May 2004.



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### **Publication Schemes: CFI report on good practice**

The Campaign for Freedom of Information has recently published a report on Central Government Publication Schemes: Good Practice, available on their website at [http://www.cfoi.org.uk/pdf/ps\\_report.pdf](http://www.cfoi.org.uk/pdf/ps_report.pdf).

The report looks at how far central government departments have gone in making available information which may not previously have been published, such as internal guidance, facts and analysis behind policy decisions, minutes, contracts, and regulatory decisions. The way in which departments have structured their index of classes is also discussed and examples of good practice highlighted.



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### **Records Management guidance from National Archives of Scotland**

The National Archives of Scotland has added a new "Recordkeeping" area to its website. This area is designed to provide help and information to anyone with responsibility for records in Scotland or with an interest in record keeping, and will be especially useful in making sure that your organisation complies with the Code of Practice for Section 61 of the FOI(S)A.

There are sections covering general areas like records management, records legislation, access to information (FOI, DP etc) and electronic records management. Not all sections are fully populated yet, but they all contain at least some information and NAS hope to add to the FOI and ERM sections within the next few weeks. The most complete section is the one on legislation, which covers all the main acts with a bearing on records in Scotland.



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## Promotion Strategy for OSIC

The Promotion Strategy sets out the Commissioner's proposals to deliver a clear and effective public promotion campaign to raise awareness of the new right to information held by public authorities from 1st January 2005 and how to use it.

In addition to a widespread public campaign, the strategy aims to ensure the message is received as widely as possible, particularly by target groups through:

- working with other organisations to communicate the new right to traditionally hard-to-reach groups
- directly promoting the Act to groups most likely to use it

The Commissioner may invite public relations companies to tender for some elements.

[View the Promotion Strategy](#) (Word Document 53 KB)



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