

UPDATE FROM OFFICE OF THE SCOTTISH INFORMATION COMMISSIONER TO PUBLIC AUTHORITIES

Emailed: 16 APRIL 2020

1) COVID-19 AND FOI IN SCOTLAND: New information hub launched

The office of the Scottish Information Commissioner has launched a new information hub on FOI during the coronavirus Covid-19 pandemic. It can be found at www.itspublicknowledge.info/covid-19

The hub pulls together guidance and information for public authorities and members of the public about FOI in Scotland during the pandemic.

The [Covid-19 and FOI infohub](#) includes:

- Detail about the [changes to FOI law made by the Coronavirus \(Scotland\) Act 2020 and what they mean in practice](#)
- A [guidance document](#) covering what new elements the Commissioner will take in to account when investigating applications/appeals made to him during this period
- Answers to [frequently asked questions regarding FOI practice within public authorities](#) during the Covid-19 pandemic
- [Information for the public about their rights and making requests during the pandemic](#)
- The Commissioner's [own policy on responding to requests for information during the pandemic, and information his office has proactively published relevant to the pandemic](#)

The hub will be updated and added to as new information becomes available. If you have other queries or require further information, please contact us at enquiries@itspublicknowledge.info

Also, please note: in our email to authorities last week, we stated that the changes made by the Coronavirus (Scotland) Act 2020 were not retrospective, since no provision in the Act specified this. Since then, we have [received legal advice](#) that the Act applies to requests for information or review which were made before the Act but which had not yet been responded to at the time the Act came in to force. The Commissioner will now proceed on this basis – please see [relevant FAQs in our new infohub](#) for further detail.

2) FOI / EIR STATISTICS RETURN

Authorities' FOI/EIR statistics for the latest quarter (1 January to 31 March 2020) are due for submission to our [stats portal](#) by 8 May 2020.

The passage of the Coronavirus (Scotland) Act 2020 does not change the requirement to collect and record statistical data about FOI requests in accordance with section 2 of the s60 Code of Practice.

Authorities should therefore continue to collect and record their request handling data.

The Commissioner's office is sympathetic to the effects that the Covid-19 pandemic is having on public authorities at present, however. We therefore ask you to submit your statistics to our portal before 8 May if you are able, but will allow for delays in doing so in the short/medium term where this is necessary.

If you are unable to submit by 8 May, we ask that you submit your data as soon as it is possible to do so. This may include submitting two quarters' data by the next deadline of 7 August 2020. Should you need any help, please let us know via enquiries@itspublicknowledge.info.