

UPDATE FOR SCOTTISH PUBLIC AUTHORITIES FROM THE OFFICE OF THE SCOTTISH INFORMATION COMMISSIONER

6 APRIL 2020

Changes to FOI duties for Scottish Public Authorities:

Last week the Scottish Parliament passed the Coronavirus (Scotland) Act 2020. It makes a number of temporary amendments to the Freedom of Information (Scotland) Act 2002 (FOISA).

The new Act **comes into effect tomorrow (Tuesday 7 April 2020)**. The key changes it makes are [summarised on our website](#), and we will be publishing detailed guidance shortly.

Please note that:

- While the maximum timescales within which public authorities must respond to requests for information and review will be extended from 20 to 60 working days, authorities will still be required to respond **promptly** to requests they receive.
- The **changes apply only to FOISA** – they do not apply to requests for environmental information which fall under the Environmental Information (Scotland) Regulations 2004.
- The changes the Act implements are **not retrospective**.

During the time that the temporary amendments apply, it will continue to be important for authorities to keep records of their request handling, and reasons for their FOI decisions. This will be both for the purposes of both statistics collection and in case of reviews and appeals to the Commissioner.

Premises closure extended

The premises of the office of the Scottish Information Commissioner will be closed for a further 4 weeks as a result of the impact of coronavirus Covid-19 – until at least 1 May. We will review the premises closure at the end of April in light of government guidance at that time.

We currently have a small team working from home responding to urgent enquiries and undertaking essential activities. These staff are working remotely, however, so capacity and access to our usual systems is significantly limited. For detail on changes to our services or to contact us with urgent queries, please see: www.itspublicknowledge.info/contact

Regarding live investigations

The Commissioner's office currently has around 200 live investigations, though access to our case management system is significantly restricted at present. If your authority has been asked to provide us with information or submissions, but is unable to do so because of the impact of Covid-19, let us know by contacting us at enquiries@itspublicknowledge.info.

Similarly, if the Commissioner has issued a decision requiring your authority to take action, but you are unable to comply because of the impact of Covid-19, please contact us at enquiries@itspublicknowledge.info.

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We will send a further update once detailed guidance on the changes brought about by the Coronavirus (Scotland) Act 2020 is available on our website. If you have any urgent queries in the meantime, please contact us at enquiries@itspublicknowledge.info.

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