



## Written evidence on The Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2019

### Submitted to Local Government & Communities Committee

12 March 2019

1. I welcome this Order, which extends the Freedom of Information (Scotland) Act 2002 (FOISA) to Registered Social Landlords (RSLs) and “connected bodies”, as defined in Column 1 of the Schedule to the Order.
2. My office has been supportive of RSLs being designated for the purposes of FOISA for a long time. I am therefore pleased to see that RSLs are to be designated, and that the Order designating them is wide in terms of both the bodies and the functions to which it will apply.
3. Though I am disappointed that the Order does not extend to factoring services for social housing accommodation, I note that the Scottish Government may revisit this matter in the future.
4. The Committee may be interested to know that my office is already engaged with RSL organisations. In advance of the laying of the Order, we began raising awareness within the social housing sector of FOI and its benefits, both for requesters and for the organisations to be covered. We have developed a training plan for RSLs and subsidiaries, and are working collaboratively with the Scottish Federation of Housing Associations to roll this out.
5. I am pleased that the wording of the Order takes account of a number of points raised in my response to the consultation on the draft Order, and I am happy to confirm to the Committee that I find the terms of the Order to be workable in practice.
6. One issue is the identification of “connected bodies” and establishing whether the Order applies to individual subsidiaries, which requires consideration of a number of other statutory definitions.
7. In relation to this, I will be liaising with RSLs to ask them to self-report who their subsidiaries are, so that my office can extend to as many connected bodies as possible the invitation to attend training and receive guidance in the implementation period.

8. It is important that, as regulator for freedom of information in Scotland, I am able to identify RSLs' subsidiaries, and this information is just as important to the public and to potential requesters. To that end, I also expect RSLs to publish, as part of their proactive publication duty under section 23 of FOISA, a list of their subsidiaries. My team will support RSLs to produce a template Guide to Information for both themselves and their subsidiaries to publish as a route to enable such self-reporting.
9. I would be pleased to answer any specific questions the committee may have.

**Daren Fitzhenry**  
**Scottish Information Commissioner**

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