



Scottish Information
Commissioner
it's public knowledge

Andrew Gunn
FOI Unit
The Scottish Government
GA (North)
Victoria Quay
Edinburgh
EH66 6QQ

10 November 2010

Our Ref: INV28870

Dear Andrew

Extension of coverage of Freedom of Information (Scotland) Act 2002

Thank you for agreeing to take a supplementary submission, in response to the Government's consultation on extending the coverage of the Freedom of Information (Scotland) Act 2002 (the Act).

This supplementary submission gives my view on the potential impact that the Government's proposals, as set out in the consultation paper published on 28 July 2010, would have on my Office.

The designation of a body under the Act places a number of requirements upon me and my Office.

- The body must adopt and maintain a publication scheme. This document describing the information which the body publishes, or intends to publish. All publication schemes must be approved by me.
- I am required by the Act to come to a decision on appeals I receive with respect to any body covered by the Act. Each appeal must be validated and investigated prior to a decision being reached.
- My Office offers an enquiry service. We will need to respond to new enquiries, from the designated body itself, and from others e.g. those who wish to make requests.
- My Office undertakes practice assessments of bodies covered by the Act. The assessment process involves extensive preparation, detailed onsite discussion between my staff and the body being assessed, and follow-up action. In due course, any body designated under s5 may be selected for assessment.

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The initial impact on our resources is likely to be focused on our efforts to assist bodies in preparing for coverage e.g. advising on publication scheme development. Some of these requirements have already been factored into our forward planning process, in anticipation of designation.

I have analysed past appeals volumes, in order to evaluate what impact extending the Act to cover all bodies in the Government's proposals would have on my caseload. I have concluded that designation of all seven categories of body set out in the consultation proposals – I believe some 77 bodies in all – would increase my caseload by around 7% per annum.

I also expect to see an increase in enquiries to my office, of between 7% and 11% per annum.

I have concluded, on the basis of this analysis and my own experience, that the direct impact of designation on my Office would be manageable though careful resource planning and prioritisation of objectives.

Yours sincerely

Kevin Dunion
Scottish Information Commissioner