

PARLIAMENTARY BUREAU

REFERRAL OF DRAFT PROPOSAL FOR THE FREEDOM OF INFORMATION REFORM (SCOTLAND) BILL

1. A draft proposal for a Freedom of Information Reform (Scotland) Bill was lodged on 1 November 2022 by Katy MSP.
2. This is a proposal for a bill to reform Freedom of Information legislation in Scotland including to extend coverage to include all bodies delivering public services, services of a public nature and publicly funded services. The proposal would also: create a role of Freedom of Information officer; increase the proactive publication of information; improve enforcement where necessary; and improve compliance with human rights law.
3. The draft proposal is accompanied by a consultation document. The consultation runs from 2 November 2022 to 2 February 2023.
4. In terms of Standing Orders (Rule 9.14.5) the Parliamentary Bureau is required to refer the draft proposal to a committee (or committees) within whose remit the subject matters falls.
5. This referral is for information only – there is no expectation that the committee will scrutinise or report on the draft proposal at this stage.
6. The proposal falls within the remit of the following committee (emphasis added).

Committee	Remit and relevance
Standards, Procedures and Public Appointments Committee	<p>To consider and report on the following (and any additional matter added under Rule 6.1.5A)—</p> <ul style="list-style-type: none"> • the practice and procedures of the Parliament in relation to its business • whether a member’s conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties • the adoption, amendment and application of any Code of Conduct for members

	<ul style="list-style-type: none"> • matters relating to public appointments in Scotland • matters relating to the regulation of lobbying • matters relating to local government elections, Scottish general elections, implementation of the Referendums (Scotland) Act 2020 and Freedom of Information and open government falling within the responsibility of the Minister for Parliamentary Business.
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7. Other committee remits are engaged to a lesser degree. For example, the Finance and Public Administration Committee presumably could scrutinise the processes followed by the Scottish Government and its agencies in relation to FOI under the public administration element of its remit.
8. The Bureau may wish to note that the Public Audit and Post Legislative Scrutiny Committee undertook an inquiry on the implementation of FOI legislation in the last parliamentary session. The proposal being brought forward by Katy Clark MSP incorporates a number of the conclusions reached by that Committee.

Recommendation

9. The Bureau is invited to refer the draft proposal on the Freedom of Information Reform (Scotland) Bill to the Standards, Procedures and Public Appointments Committee.

Non-Government Bills Unit
2 November 2022