

Official Response

Subject: Proposed Freedom of Information (Scotland) Bill
Requested by: Katy Clark MSP
Date: 14 March 2023
Prepared on behalf of: The Faith Impact Forum

Aim and approach

Which of the following best expresses your view of the proposed Bill?

- Fully supportive
- Partially supportive**
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

We stand alongside a broad range of other civil society organisations which support principles in public life which increase transparency and accountability, where this is in the public interest.

We have some concerns about the potential impact for FOI reform in terms of proportionality, in particular the potential impact on churches' and related organisations' ability to deliver social and community work as it may bring additional administrative and compliance costs.

Detail of the proposal

Which of the following best expresses your view on the private sector being designated under FoISA if it is publicly funded and the service is of a public nature?

- Fully supportive
- Partially supportive**
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

We support general principles of transparency and accountability in relation to publicly funded contracts delivered by the private sector if the service is of a public nature. Changes should be proportionate; it is possible that additional compliance costs might make bids more expensive, which might impact the desire for contractors to get good value for money.

Which of the following best expresses your view on the third/charitable/ voluntary sector being designated under FoISA if it is publicly funded and the service is of a public nature?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed**
- Fully opposed
- Unsure

Please explain the reasons for your response.

The Church of Scotland (SC011353) is one of the top highest income charities in OSCR register not already subject to FOI requirements (such as Universities, Housing Associations etc.). We receive some public funds for delivery of services of a public nature, such as the work of CrossReach, our social care agency. New FOI requirements would have an impact but as the delivery of these services is professional and supported by a national office staff team, we would probably be able to comply with new requirements without undue difficulty.

Local congregations are separate charities. Where they receive public funding to deliver services they may not have staff in administrative or compliance roles, but instead be managed by volunteers or clergy. Expecting these groups to manage FOI requests would not be reasonable. We support the principle suggested in the consultation paper that third sector organisations would be exempt if the value of the contract was under a certain threshold, or if their annual turnover was below a certain level, or if they employed fewer than a certain number of full time equivalent staff members.

We have not considered what level these thresholds could be set at, but we would be willing to discuss further if that would be helpful.

Which of the following best expresses your view on the creation of a new statutory officer within designated authorities – a Freedom of Information Officer?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)**
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response

We have no position for or against the creation of this role.

In our work and engagement it has never been suggested as something which is needed or desirable. It would need to have a demonstrable benefit if it were to be introduced as an additional regulatory requirement. Is there evidence that the current system is deficient?

We observe that the comparison with data protection is somewhat irrelevant, as the data protection regime is about preventing criminal abuse of people's data, whereas Freedom of Information centres on making public decision-making transparent.

Which of the following best expresses your view on creating a statutory duty to publish information?

- Fully supportive
- Partially supportive**
- Neutral (neither support nor oppose)

- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

If the proposal were to become a Bill then evidence of how the current system is not working and why this would help would need to be made.

General

Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

We note the Scottish Government is consulting at the same time on this policy area and we will be responding in similar terms to that process.