

## Freedom of Information (Scotland) Act

<http://www.scotland-legislation.hmso.gov.uk/legislation/scotland/acts2002/20020013.htm>

January saw the Freedom of Information Act 2002 come into operation.

In general terms, *'a Scottish public authority receiving a request' for information 'must comply promptly; and in any event by not later than the twentieth working day after' receiving the request.*

Given we are aware of internal memos by the barrow load, secret files, correspondence and official and unofficial reports that are held on Shirley we have embarked on a campaign to obtain them under the new Act.

We have written to the Scottish Executive, Strathclyde Police, the Scottish Criminal Records Office, the Association for Chief Police Officers and the Strathclyde Joint Police Board seeking documentary information relating to Shirley's case.

What is clear from the very beginning is that there is considerable scope for reluctant authorities to claim exemption under one or more of the 17 categories of exemption referred to in the Act.

They range from exempting the release of information, *'for the purpose of safeguarding national security.'* to exempting information if it, *'has at any time been held by a Scottish public authority for the purposes of an investigation'* whether a person has committed an offence, should be prosecuted for an offence or having been prosecuted is guilty of the offence.

Particular care appears to have been taken to protect the Lord Advocate, senior Crown Office personnel, government ministers and those involved in the prosecution of crime.

We look forward to seeing how creative the authorities will be in interpreting these exemptions and just how much relevant information is released.

In general the authority has 20 days to respond to our initial request. If we are dissatisfied with their response we have further 40 days to appeal their decision. The authority then has a further 20 days to respond.

The Scottish Information Commissioner will become involved if we cannot reach an agreement with the authorities. Again the Commissioner appears to have fairly broad discretion whether to act or not and only time will tell if the new law results in information being more freely available or if the authorities manage to hide behind its exemptions and qualifications.

Watch this space.