



Centre for Freedom of Information

FOI Officers: Value & Influence

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“....The Legislature has imposed a positive obligation upon public bodies to accommodate the public’s right of access and, subject to limited exception, to disclose all government information so that public participation in the workings of government will be informed, that government decision making will be fair, and that divergent views will be heard...”

O'Connor v. Nova Scotia, 2001 NSCA132





FOI Practitioners' Conference 2022
Centre for **Freedom of Information**





GOOD
LUCK

YOU'VE TOTALLY GOT THIS!



Freedom of Information
(Scotland) Act 2002

SCOTTISH STATUTORY INSTRUMENTS
2004 No. 520
FREEDOM OF INFORMATION
The Environmental Information (Scotland) Regulations 2004

2004
2004
2005

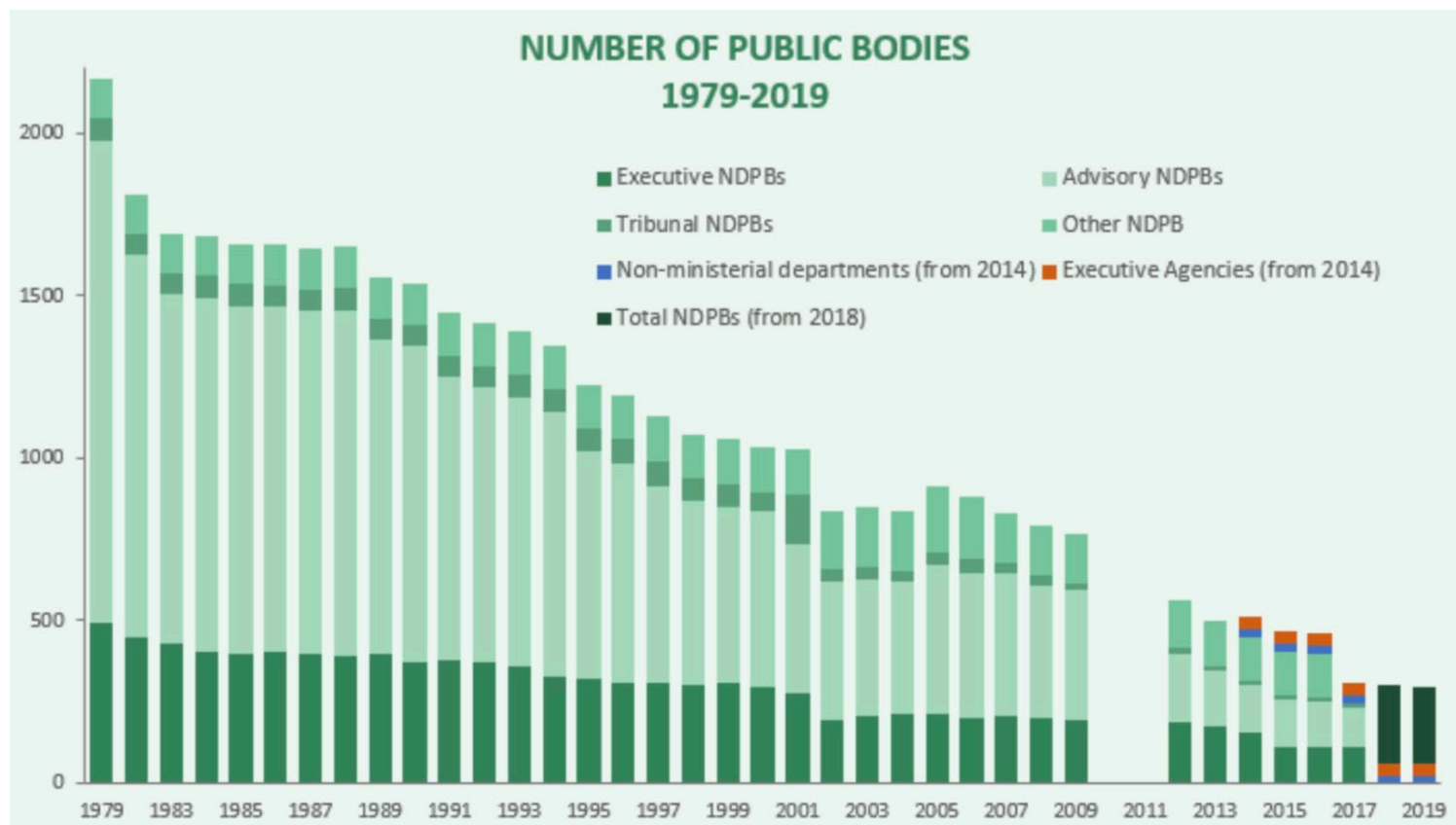
WELCOME TO THE DEEP END!

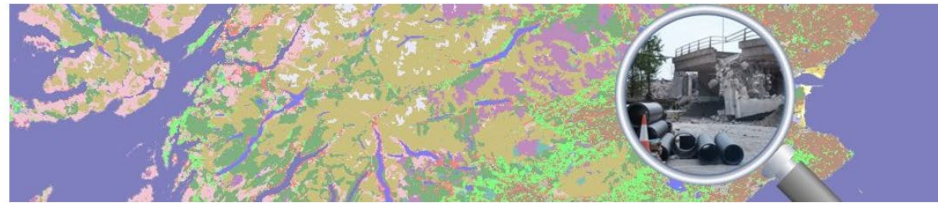
...FOI Practitioners...

- What is the job?....
 - Know the legislation
 - Promote the spirit of FOI & the role of transparency
 - Protect FOI's integrity and priority in public authorities
 - Evidence sound judgement at every stage of a request / publication
 - Work to a strict statutory timeframe where performance is measured and reported internally and externally to the regulator
 - Be prepared to challenge the position of senior officials if required

....an ever-expanding remit...

- As the public sector is charged with additional duties and responsibilities...the reach of FOI also grows...





Uncovering the Environment

The Use of Public Access to Environmental Information

Dr Jonathan Mendel Prof Colin T Reid Dr Sean Whittaker

University of Dundee

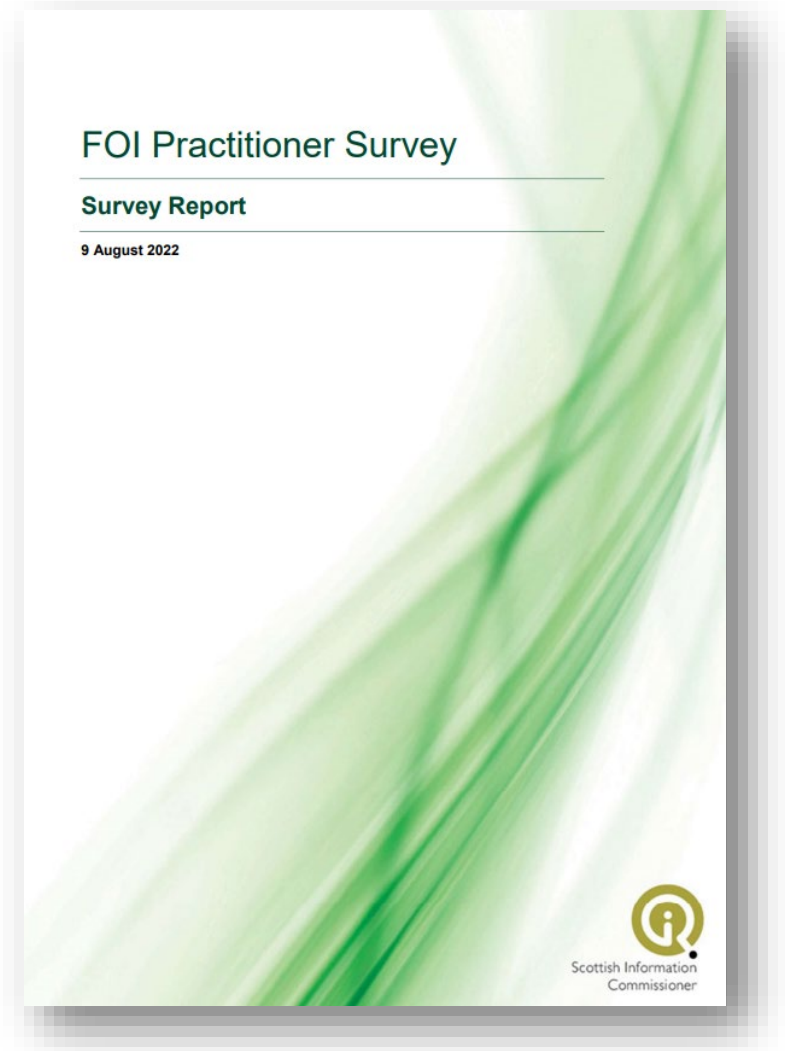
....the public interest...

- What is it...?
- Where is it...?
- How do you know when you have found it...?
- How long does it last...?
- ...and who decides what it involves...?



The future is bright!

- The majority of staff with day-to-day responsibility for FOI within public authorities view FOI as an important public right
- 84% of respondents disagreed with the notion that FOI 'is not needed'
- ...68% of practitioners agreed that FOI puts a strain on limited resources
- Additional guidance on the EIRs and more support to increase the profile of FOI within organisations



...My personal experience...

- Freedom of Information – at times a grossly misunderstood legislative area among much of the public sector
- Is utilised far more than most of the public may realise
- FOI Practitioners must actively defend and promote FOI best practice
- Elements of FOI requiring clear explanation and training throughout public bodies (Commercial sensitivity, legal privilege etc...)
- Department reporting looking at only the *number* of requests paints only half the picture of how much time and work goes into requests, reviews and appeals...

...Wish List...

- Empower your FOI Officers
- Recognise their 'stuck in the middle' position and anything you can do to enable their own professional networks to prosper
- Encourage open dialogues / participating in Forums with similar organisations positioned elsewhere in the country
- Facilitate training, engagement and PDP
- View FOI as 'Business As Usual'...and part of *the deal* with the public

...the future...

- Providing the proper platform for FOI Officers...
- Resourcing FOI Officers / Teams...
- Preventing FOI Officers from undue influence or instruction regarding their duties...
- FOI Officers not being penalised within their organisations for fulfilling their duties...

Closing thoughts....

Thank you for your time, enjoy the rest of the conference

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THE CITY OF EDINBURGH COUNCIL



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