



Freedom of Information (Scotland) Act 2002 2002 asp 13

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

PART 1

ACCESS TO INFORMATION HELD BY SCOTTISH PUBLIC AUTHORITIES

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- 2 Effect of exemptions
- 3 Scottish public authorities
- 4 Amendment of schedule 1
- 5 Further power to designate Scottish public authorities
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- 7 Public authorities to which Act has limited application
- 7A Reports on section 5 power
- 8 Requesting information
- 9 Fees
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- 11 Means of providing information
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- 14 Vexatious or repeated requests
- 15 Duty to provide advice and assistance

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- 16 Refusal of request
- 17 Notice that information is not held
- 18 Further provision as respects responses to request

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Content of certain notices

19 Content of certain notices

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20 Requirement for review of refusal etc.

21 Review by Scottish public authority

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23 Publication schemes

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32 International relations

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37 Court records, etc.

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39 Health, safety and the environment

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42 The Scottish Information Commissioner

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- 48 When application excluded
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- 50 Information notices
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- 52 Exception from duty to comply with certain notices
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- 60 Code of practice as to functions under this Act
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- 71 Amendment of Scottish Public Services Ombudsman Act 2002
- 72 Orders and regulations
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- 74 Giving of notice etc.
- 75 Commencement
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SCHEDULE 1 — Scottish Public Authorities

Part 1 — MINISTERS, THE PARLIAMENT

- 1 The Scottish Ministers.
- 2 The Scottish Parliament.
- 3 The Scottish Parliamentary Corporate Body.

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Part 2 — NON MINISTERIAL OFFICE HOLDERS IN THE SCOTTISH ADMINISTRATION

- 4 The Chief Dental Officer of the Scottish Administration.
 - 5 The Chief Medical Officer of the Scottish Administration.
 - 6 Her Majesty's Inspectors of Constabulary.
 - 7 Her Majesty's Chief Inspector of Prisons for Scotland.
 - 7ZA Consumer Scotland.
 - 7A The Drinking Water Quality Regulator for Scotland
 - 7AA Environmental Standards Scotland.
 - 7B Food Standards Scotland.
 - 8 Her Majesty's Inspector of Anatomy for Scotland.
 - 9 Her Majesty's Chief Inspector of the Scottish Fire and Rescue...
 - 10 Her Majesty's inspectors of schools (that is to say, the...
 - 11 The Keeper of the Records of Scotland.
 - 12 The Keeper of the Registers of Scotland.
 - 12A The Office of the Scottish Charity Regulator
 - 13 A procurator fiscal.
 - 14 The Queen's and Lord Treasurer's Remembrancer.
 - 15 The Queen's Printer for Scotland.
 - 16 The Registrar General of Births, Deaths and Marriages for Scotland....
 - 17 The Registrar of Independent Schools in Scotland.
 - 18 A rent officer appointed under section 43(3) of the Rent...
 - 18A The Scottish Court Service.
 - 18AA The Scottish Fiscal Commission
 - 18B The Scottish Housing Regulator.
 - 19 A social work inspector appointed under section 4 of the...
- ## Part 3 — LOCAL GOVERNMENT
- 20 An assessor appointed under section 27(2) of the Local Government...
 - 21 A council constituted by section 2 of that Act.
 - 22 A joint board, within the meaning of section 235(1) of...
 - 23 A licensing board continued in existence by or established under...
 - 24 The Strathclyde Passenger Transport Authority.
- ## Part 4 — THE NATIONAL HEALTH SERVICE
- 25 The Clinical Standards Board for Scotland.
 - 26 The Common Services Agency for the Scottish Health Service.
 - 27 A Health Board, constituted under section 2 of the National...
 - 27A Healthcare Improvement Scotland.
 - 28 The Health Education Board for Scotland.
 - 29 The Health Technology Board for Scotland.
 - 29A The National Waiting Times Centre Board
 - 30 A local health council, established under section 7 of the...
 - 31 A National Health Service trust.
 - 32 NHS 24.
 - 32A NHS Education for Scotland
 - 32B NHS Health Scotland
 - 32C
 - 33 A person providing primary medical services under a general medical...
 - 34 A person providing primary medical services or personal dental services...
 - 35 A person providing, in Scotland, piloted services within the meaning...
 - 35A Public Health Scotland.
 - 36 The Post Qualification Education Board for Health Service Pharmacists in...

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- 37 The Scottish Advisory Committee on Distinction Awards.
- 38 The Scottish Advisory Committee on the Medical Workforce.
- 39 The Scottish Ambulance Service Board.
- 40 The Scottish Council for Post Graduate Medical and Dental Education....
- 41 The Scottish Dental Practice Board.
- 42 The Scottish Health Advisory Service.
- 43 The Scottish Hospital Endowments Research Trust.
- 44 The Scottish Hospital Trust.
- 45 The State Hospitals Board for Scotland.
- 46 The Scottish Medical Practices Committee.
 - Part 5 — EDUCATIONAL INSTITUTIONS
- 47 The board of management of a college of further education...
- 48 A central institution within the meaning of the Education (Scotland)...
- 49 An institution in receipt of funding from the Scottish Further...
 - Part 6 — POLICE
- 50 A chief constable of the Police Service of Scotland.
- 50A The Scottish Police Authority.
- 50B The Police Negotiating Board for Scotland.
- 51 A joint police board constituted by an amalgamation scheme made...
- 52 The Police Advisory Board for Scotland.
- 52A
 - Part 7 — OTHERS
- 53 The Accounts Commission for Scotland.
- 54
- 55
- 56
- 57 Audit Scotland.
- 58 The Auditor General for Scotland.
- 59 The Board of Trustees for the National Galleries of Scotland....
- 60 The Board of Trustees of the National Museums of Scotland....
- 61 The Board of Trustees of the Royal Botanic Garden, Edinburgh....
- 61A Bòrd na Gàidhlig
- 61AA Boundaries Scotland
- 61B The British Waterways Board.
- 62
- 62ZZA Children's Hearings Scotland.
- 62ZZA The Commissioner for Ethical Standards in Public Life in Scotland....
- 62ZA The Commissioner for Children and Young People in Scotland
- 62A
- 62B
- 62ZZC Community Justice Scotland.
- 62ZC The Convener of the School Closure Review Panels.
- 62C Creative Scotland.
- 62D The Criminal Courts Rules Council.
- 63 The Crofters Commission.
- 63A Crown Estate Scotland.
- 64
- 65
- 66 The General Teaching Council for Scotland.
- 66A Her Majesty's Chief Inspector of Prosecution in Scotland
- 67 Highlands and Islands Enterprise.
- 67ZA Historic Environment Scotland.

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- 67ZB ILF Scotland.
- 67A The Historic Environment Advisory Council for Scotland.
- 67B An integration joint board established by order under section 9(2)...
- 68
- 68ZA The James Hutton Institute.
- 68A The Judicial Appointments Board for Scotland
- 69 ... A Justice of the Peace Advisory Committee established under...
- 70 Learning and Teaching Scotland.
- 71 The Local Government Boundary Commission for Scotland.
- 71A The Moredun Research Institute.
- 72 The Mental Welfare Commission for Scotland.
- 72A Mobility and Access Committee for Scotland.
- 73 A National Park authority, established by virtue of schedule 1...
- 74 The Parole Board for Scotland.
- 75 A person appointed for Scotland under section 3(1) of the...
- 75ZA
- 75A
- 75AB The Police Investigations and Review Commissioner.
- 75AC The Poverty and Inequality Commission
- 75B Quality Meat Scotland
- 75BA Redress Scotland.
- 75C The Risk Management Authority
- 76
- 76A A School Closure Review Panel constituted under section 17A(3) of...
- 77 The Scottish Agricultural Wages Board.
- 77A The Scottish Animal Welfare Commission.
- 78
- 79
- 79A The Scottish Association of Citizens Advice Bureaux, but only in...
- 79B The Scottish Biometrics Commissioner.
- 80 The Scottish Children's Reporter Administration.
- 80AA The Scottish Civil Justice Council.
- 80B The Scottish Commission for Human Rights.
- 80C The Scottish Commission on Social Security.
- 81
- 82
- 83 The Scottish Criminal Cases Review Commission.
- 84 Scottish Enterprise.
- 85 The Scottish Environment Protection Agency.
- 85ZA The Scottish Fire and Rescue Service.
- 85ZAA The Scottish Food Commission
- 85ZB The Scottish Fuel Poverty Advisory Panel.
- 85A The Scottish Further and Higher Education Funding Council.
- 85B
- 86
- 87
- 88
- 89
- 90 The Scottish Information Commissioner.
- 90A The Scottish Land Commission.
- 91 The Scottish Law Commission.
- 92 The Scottish Legal Aid Board.
- 92A The Scottish Legal Complaints Commission.

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- 92B The Scottish Local Authorities Remuneration Committee
- 92C The Scottish National Investment Bank p.l.c.
- 93 Scottish Natural Heritage.
- 94
- 95 The Scottish Public Services Ombudsman.
- 96 The Scottish Qualifications Authority.
- 97
- 98
- 98A The Scottish Sentencing Council.
- 99 The Scottish Social Services Council.
- 100 The Scottish Sports Council.
- 101
- 102 Scottish Water.
- 102A Social Care and Social Work Improvement Scotland.
- 102B South of Scotland Enterprise.
- 103
- 104 The Standards Commission for Scotland.
- 105 The National Library of Scotland .
- 105A VisitScotland.
- 106 The Water Industry Commission for Scotland.

SCHEDULE 2 — The Scottish Information Commissioner

- 1 *Status*
- 2 *Pensions, allowances, etc.*
- 3 *Staff*
- 4 *Accountable officer*
- 5 *Accounts*
- 6 *General powers*

Budget

- 4A (1) The Commissioner must, before the start of each financial...

Location of office

- 7 The Commissioner must comply with any direction given by the...

Sharing of premises, staff, services and other resources

- 8 The Commissioner must comply with any direction given by the...

Restrictions on subsequent appointments etc.

- 9 (1) A person who has ceased being the Commissioner may...

SCHEDULE 3 — Powers Of Entry And Inspection

- 1 *Grant of warrants*
- 2 (1) A sheriff must not grant the warrant unless satisfied—...
- 3 *Execution of warrants*
- 4 The warrant must be executed at a reasonable hour, unless...
- 5 (1) If the premises in respect of which the warrant...
- 6 (1) A person seizing anything in pursuance of the warrant...
- 7 *Matters exempt from inspection and seizure*
- 8 (1) Subject to the provisions of this paragraph, the powers...
- 9 If the person in occupation of premises in respect of...

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- 10 *Offences*
- 11 *Vessels, vehicles etc.*

SCHEDULE 4 — Consequential Amendments To Scottish Public Services
Ombudsman Act 2002

- 1 In section 19(8) of the Scottish Public Services Ombudsman Act...
- 2 In schedule 5 to that Act (which specifies persons or...

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Changes and effects yet to be applied to :

- sch. 1 para. 62A inserted by [2003 asp 4 sch. 4 para. 17\(c\)\(i\)](#)
- Sch. 1 para. 80A inserted by [2007 asp 3 Sch. 5 para. 28](#) (This amendment not applied to legislation.gov.uk. Sch. 5 para. 28 repealed (31.1.2011) by 2010 asp 8, sch. 4 Pt. 2; S.S.I. 2011/30, art. 3(1), Sch. 1)
- sch. 1 Pt. 4 para. 30 repealed by [2004 asp 7 sch. 2](#)
- sch. 1 Pt. 4 para. 31 repealed by [2004 asp 7 sch. 2](#)
- sch. 1 Pt. 7 words inserted by [2009 asp 12 sch. 2 para. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 74A inserted by [2023 asp 6 sch. 2 para. 2\(2\)](#)