



Board Report and Audited Accounts of the Campaign for Freedom of Information in Scotland (CFoIS)

1st April 2022 to 31st March 2023

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CFoIS is a Scottish Charitable Incorporated Organisation (SCIO) number SC051263.

The Campaign for Freedom of Information In Scotland

Contents

1. About CFoIS	Page 2
2. Performance of CFoIS	Page 4
3. Receipts and Payments Account	Page 10
4. Statement of Balances	Page 11
5. Notes to the Accounts	Page 12
6. Independent Examiner's Report	Page 14

The Campaign for Freedom of Information In Scotland

1. About CFoIS

The Campaign for Freedom of Information in Scotland (CFoIS) was established in 1984 to improve public access to official information, to secure a legal right to access information and to enforce that right. The initiative came from the Scottish Consumer Council which believed in the right of people to find out about how they are governed and how their services are delivered. CFoIS has been involved in all the legislative developments on FoI in Scotland since 1984.

CFoIS has operated independently of the (national) Campaign for Freedom of Information since 2019 and maintains a good working relationship. Since 2021, CFoIS has held charitable status, as a single tier Scottish Charitable Incorporated Organisation (SCIO). Our charitable number is SC051263. This status allows that one of our Trustees can act as Chief Officer and receives payment for work done, when funds allow.

During the last financial year, CFoIS has received a project grant and donations from trade unions and from the public. CFoIS wishes to record its appreciation for this practical and financial support. However our work and impact has relied on voluntary work by the Board of Trustees and our Chief Officer to maintain momentum throughout the year.

Board of Trustees

All trustees have been members of the Board for the full reporting period

Carole Ewart - Trustee/Chief Officer

Susan Coughtrie -Trustee

David Goldberg - Convenor

Derek Manson Smith - Treasurer

Mandy Reid - Secretary

Organisation

CFoIS appoints an Independent Examiner to carry out external scrutiny of our accounts, which are managed throughout the year by the Treasurer and reported on at each Board meeting.

CFoIS is registered with the UK ICO for Data Protection and GDPR compliance.

CFoIS has continued to benefit from the free use of a postal address in Glasgow City which has been provided by the Chief Officer. Mail is processed and stored for the Campaign and phone calls are also taken and passed on by the administrative staff in the business space at no cost to CFoIS.

CFoIS keeps Board policies under review to develop our good governance practice. We will continue to look to expand our Board members in the coming year to bring in additional skills and networks.

In August 2022, the Board agreed that Carole Ewart, Chief Officer, could work for Katy Clark MSP for one day per week to assist with the consultation on the reform of the Freedom of Information (Scotland) Act 2002 (FoISA). This paid role was non-party political and created an opportunity to share expertise in the public interest.

The Campaign for Freedom of Information In Scotland

Finance

The CFoIS financial year runs from 1st April to 31st March to fit in with accountancy practice of many charities and voluntary organisations in Scotland. Given the income and gross assets of CFoIS, the Board has confirmed that the accounts should be subject to independent examination as a form of external scrutiny to offer an assurance that nothing has been found that needs to be brought to the attention of readers of the accounts.

The Campaign for Freedom of Information In Scotland

2. Performance of CFoIS

The work of CFoIS is in pursuit of our charitable objectives which are:

- The advancement of education
- The advancement of citizenship or community development
- The advancement of human rights, conflict resolution or reconciliation
- The promotion of equality and diversity.

The work of CFoIS is achieved through paid and voluntary work, focusing on five laws which provide enforceable access to information rights:

- Freedom of Information (Scotland) Act 2002 (FoISA) – devolved matters
- Freedom of Information Act 2000 (FoIA) – reserved matters
- Environmental Information (Scotland) Regulations 2004 (EIR(S)s)
- Environmental Information Regulations 2004
- Human Rights Act 1998

CFoIS believes that access to information is a human right and an enabler of the equal enjoyment of human rights.

During this year, two milestones were celebrated and promoted by CFoIS:

- 21 years since the Freedom of Information (Scotland) Act (FoISA) received Royal Assent - on 28th May 2002.
- On 1st January 2023, the enforceable right to access information had been in operation for 18 years.

As well as providing a focus for coverage, it afforded an opportunity to repeat a key message that FoISA is outdated and requires to be reformed.

Reform of FoISA

CFoIS has continued to prioritise the legal reform of FoISA and during the year this work coalesced around two consultations which were launched on FoI rights:

- Launched on 1st November 2022 by [Katy Clark MSP](#) proposing legal reform of FoISA to address evidenced problems;
- Launched on 29th November by the [Scottish Government](#) offering a different approach.

Both ended on 14th March 2023. As a result, CFoIS was busy providing briefings, speaking at meetings¹ and drafting its submission to both consultations.²

This work was informed by the practice of rights and duties especially the FoI deficit created by rights not keeping up to date with the diversification of public service providers. CFoIS believes legal reform is necessary and that has been, and continues to be, a focus of our work.

Project Grant Funding

In February 2023, CFoIS was delighted to receive a grant of £7,500 split over this and the next financial year to fund work on the campaign to reform FoISA. The

¹ <https://scvo.scot/p/56065/2022/12/09/extending-freedom-of-information-could-voluntary-organisations-be-affected>

² For example <https://www.cfois.scot/2023-2/>

The Campaign for Freedom of Information In Scotland

purpose was to critique, inform and increase participation in the two consultations proposing different ways to improve delivery of the Freedom of Information (Scotland) Act 2002 (FoISA). A temporary uplift in staff made a big difference: a communication consultant was recruited and the CFoIS Director was remunerated part-time.

This funding proved crucial in ensuring a consistent presence for CFoIS during the consultation period, capitalising on CFoIS knowledge which could be broadly shared, built understanding and support for FoISA reform, encouraged and enabled people and organisations to engage with both consultations and focused attention on the benefits of FoISA as a tool enabling democratic participation and equal enjoyment of human rights.

A particular focus was on growing cross-party support for a FoISA Reform Bill. CFoIS also reached out to supporters and stakeholders by producing a monthly Newsletter. The funding also enabled attendance at more meetings including speaking at a community meeting in Paisley and an open meeting of the Jimmy Reid Foundation.

The CFoIS submissions to each consultation were detailed and delivered on time - available at [FoISA Bill – CFoIS](#)

The project continued into the first month of the new financial year and focused on maintaining momentum and learning from the published submissions.

Human Rights

Article 10 of the ECHR provides for the “right to form an opinion by receiving and imparting information and ideas” Access to official and accurate information enables people to form an opinion and counters fake news. The system requiring publication and enforceable access to information delivers the Article 10 and serves as a gateway to enjoy all human rights. The right to information can only be effectively exercised and implemented through robust laws, regulating and enforcing this right in compliance with international standards. Equal and universal access to information is essential to promote human rights and dignity, to eradicate poverty and to build inclusive, knowledge societies.

The right to form an opinion by receiving and imparting information is contained in UN treaties which the UK has ratified such as Article 13 of the UN Convention on the Rights of the Child. During the year, the UNCRC Incorporation (Scotland) Bill was being reconsidered following the UK Supreme Court decision in 2021 but it remains clear that the Scottish Government still intends to bring it back amended for further consideration

CFoIS participates in several activities and networks which promote human rights in Scotland. During this period, CFoIS made a submission on the UK's performance on the International Covenant on Economic, Social and Cultural Rights to the Ministry of Justice and the UN Committee on Economic, Social and Cultural Rights. In March 2023, CFoIS attended a pre-sessional hearing in Geneva to raise the importance of the right to access information as an essential tool for transparent and accountable

The Campaign for Freedom of Information In Scotland

government, enables public involvement in formulating policy and in the decision-making processes of governance.

Scottish Public Information Forum (SPIF)

Since 2017, CFoIS has organised meetings of the Scottish Public Information Forum (SPIF) but receives no public funding to cover costs despite SPIF's role being listed in the Scottish Government's Six FoI principles published in 2007: "We ensure the effective operation of the Act by fostering and maintaining good working relationships on Freedom of Information with stakeholders such as other public authorities and the Scottish Public Information Forum."³

The temporary arrangement to hold meetings online, prompted by the pandemic, has continued as attendance has increased and enables people to attend from all parts of Scotland and beyond. The Scottish Information Commissioner has agreed to provide inclusive communication for each meeting which is appreciated and reduces hurdles to equal participation.

The standard two hour format for SPIF has continued: the first section focuses on an issue addressed by various speakers and the second section is for 'business', to approve the minutes of the previous SPIF and hear reports from the Scottish Information Commissioner, the Scottish Government and CFoIS. Throughout the proceedings, participants are given the opportunity to ask questions. Those in attendance are a mixture of FoI practitioners, lawyers, public servants, civil society and members of the public. SPIF continues to be an opportunity for rights holders and duty bearers to meet and discuss 'access to information' and share best practice.

During this accounting period, SPIF was convened on three occasions and covered:

- **28th September 2022** - SPIF met to mark the annual 'International Right to Know Day' and was part of civil society's global celebrations. The keynote speaker was Katy Clark MSP who explained that she will shortly launch a consultation as the first step in reforming FoI law in Scotland through a member's Bill.
- **9th December 2022** – As two consultations on FoISA were now running concurrently the format was slightly different: Two civil servants explained the approach adopted by the Scottish Government's consultation followed by CFoIS which critiqued that consultation and explained why the MSP's proposals offered a better way forward for transparency, accountability and scrutiny. The meeting then heard a variety of reactions to the consultation's contents from: Daren Fitzhenry - Scottish Information Commissioner, Paul Bradley from SCVO and Nick McGowan-Lowe from the NUJ. Discussion followed.
- **13th February 2023** - Alex Neil chaired the meeting. He is the former SNP MSP who served on the Public Audit and Post Legislative Scrutiny Committee (PAPLS) which concluded its Inquiry into FoISA in 2020. The topic of 'Reforming FoI law in Scotland' was addressed by: Dr Erin Ferguson from the University of Aberdeen Law School on the public-private distinction and the impact of privatisation; Stephen Low from UNISON Scotland on extending

³ <https://www.gov.scot/publications/guide-to-information/>

The Campaign for Freedom of Information In Scotland

FoISA to publicly funded services; Dr Sean Whittaker the Director of the Centre for FoI at the University of Dundee on lessons from the use of public access to environmental information.

All meetings were advertised on the CFoIS website and via supporters. Free registration was through Eventbrite.

Collaboration

CFoIS continued to benefit from drawing on the expertise of international colleagues including:

- Access Info Europe to learn from and work with civil society organisations in Europe on key issues such as anti-corruption measures and the importance of public access to beneficial ownership registers.⁴
- International Freedom of Information Advocates Network (FOIANet). This network has proven to be consistently valuable in learning from practice in other jurisdictions and understanding what works to ensure FoI rights remain robust.

Consultation Submissions

CFoIS is limited in the number of public consultations it can contribute to and over the year included:

- Making a submission on the proposals for A National Care Service to emphasise the importance of designating all providers of health and social care under FoISA⁵.
- Submitting views on Public Petition PE1975 - Reform the law relating to Strategic Lawsuits Against Public Participation (SLAPPs).⁶ The Petition is being considered by the Citizen Participation and Public Petitions Committee of the Scottish Parliament.

eCase Awards

CFoIS agreed to join the judging panel for the first eCase Awards⁷ which celebrate and acknowledge the work of FoI practitioners. This involved a significant amount of extra work to: inform the judging criteria, attend the launch, sift the nominations, take part in meetings, and attend the Awards Ceremony and conference in Birmingham on 8th February 2023⁸. This proved to be a very positive and collaborative experience and provided examples of best practice which informs CFoIS work going forward. It was agreed to continue to participate in this important initiative .

Profile and Publicity

CFoIS puts all of its information on its website at www.cfois.scot We provide comment to journalists, issue news releases and speak at conferences, meetings and events to boost education on and awareness of transparency, accountability and scrutiny. For example CFoIS was invited to speak at the Annual Holyrood FoI

⁴ <https://www.access-info.org/2022-11-23/open-bo-invalid-eu-court/>

⁵ <https://www.cfois.scot/2022-2/>

⁶ <https://www.parliament.scot/get-involved/petitions/view-petitions/pe1975-reform-the-law-relating-to-strategic-lawsuits-against-public-participation-slapps>

⁷ <https://www.ecase.co.uk/the-first-annual-ecase-foi-awards/>

⁸ <https://www.ecase.co.uk/event/ecase-foi-information-rights-conference-and-awards-2023/>

The Campaign for Freedom of Information In Scotland

Conference which was opened by speeches from the Minister for Parliamentary Business and the Scottish Information Commissioner.⁹

Donations

CFoIS received unrestricted donations from trade union branches and individuals which paid for ongoing work on promoting the enforceable right to information and the consequent benefit to the public of improving transparency and accountability which enables scrutiny.

Year Ahead

As both consultations on FoISA closed on 14th March 2023, the next year will focus on analysing submissions and securing an FoI Reform Bill either from the Scottish Government or via a member's Bill. This exciting opportunity has arisen as CFoIS prepares to celebrate its 40th Anniversary in 2024.

CFoIS also looks forward to the publication of a human rights bill for Scotland consultation, will make a submission and promote FoI as a human right and a gateway to enjoy all our human rights. Also, CFoIS will promote the free remedy mechanism under FoISA as a blueprint for human rights delivery in Scotland.

CFoIS will continue to respond to requests for comment, agree to act as a speaker at events and participate in judging the Annual eCase FoI Practitioner Awards. We are keen to share our knowledge and practice to make Scotland's FoI law more robust and improve transparency, accountability and scrutiny.

A risk remains that lack of funding limits our work and impact at a time when there is a real opportunity of legislative reform. Lack of funding will limit our ability to capitalise on our knowledge, expertise and networks. Therefore the next year will require a balance between seeking sufficient funds, meeting operational requirements and fulfilling our charitable objectives to work with all political parties to explain, evidence and champion FoI reform as a tool to build community empowerment and promote FoI as a human right and a gateway to all our rights. Reform of FoISA is also an opportunity to improve procedures so FoI rights are equally enjoyed.

Approved by the Trustees and signed on their behalf

⁹ <https://events.holyrood.com/event/freedom-of-information-2022/>

The Campaign for Freedom of Information In Scotland

A handwritten signature in black ink that reads "David Goldberg". The signature is written in a cursive style with a large, stylized 'D' and 'G'.

David Goldberg, Convenor

DATE: 14th December 2023

The Campaign for Freedom of Information In Scotland

3. Receipts and Payments Account

For the 12 months from 1st April 2022 to 31st March 2023

	Notes	Unrestricted Funds 2023 £	Restricted Funds 2023 £	Total Funds 2023 £	Total Funds 2022 £
Receipts from					
Donations	2	4,813	0	4,813	5,600
Grants	3	0	7,500	7,500	0
Charitable Activities		<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Income		<u>4,813</u>	<u>7,500</u>	<u>12,313</u>	<u>5,600</u>
Payments on					
Charitable Activities	4	4,463	5,006	9,469	6,249
Governance Costs	4	<u>278</u>	<u>0</u>	<u>278</u>	<u>0</u>
Total Payments		<u>4,741</u>	<u>5,006</u>	<u>9,747</u>	<u>6,249</u>
Net receipts/payments) before transfers		72	2,494	2,566	(649)
Transfers		0	0	0	0
Net Receipts		<u>72</u>	<u>2,494</u>	<u>2,566</u>	<u>(649)</u>

The notes on pages 12 to 13 form part of these accounts.

The Campaign for Freedom of Information In Scotland

4. Statement of Balances

As at 31st March 2023

	Notes	Unrestricted Funds 2023 £	Restricted Funds 2023 £	Total Funds 2023 £	Total Funds 2022 £
Opening fund balance	6	384	0	384	1,033
Net receipts/(payments) for the year	6	72	2,494	2,566	(649)
Closing fund balances at 31 st March 23	6	<u>456</u>	<u>2,494</u>	<u>2,950</u>	<u>384</u>
Cash and bank balances at 31 st March 2023		<u>456</u>	<u>2,494</u>	<u>2,950</u>	<u>384</u>

Approved by the Trustees on 14th December 2023 and signed on their behalf by



David Goldberg, Convenor

The notes on pages 12 to 13 form part of these accounts.

The Campaign for Freedom of Information In Scotland

5. Notes to the Accounts

For the year ended 31 March 2023

1.Accounting Policies

Basis of Accounting

The accounts have been prepared on a Receipts and Payments basis in accordance with the Charities and Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006 (as amended).

VAT

The charity is not registered for VAT and accordingly, expenditure includes VAT where appropriate.

Resources Expended

Expenditure incurred has been classified on a basis appropriate to the charity's circumstances. All expenditure relates to the charitable activities.

Governance costs are separately identified in the relevant note to the accounts.

2. Donations

	Unrestricted Funds 2023 £	Restricted Funds 2023 £	Total Funds 2023 £	Total Funds 2022 £
UNISON Scotland	0	0	0	5,000
UNITE	1,000	0	1,000	0
EIS	1,000	0	1,000	0
4 donations greater than £250	1,350	0	1,350	0
15 donations of £250 or less	1,463	0	1,463	600
	<u>4,813</u>	<u>0</u>	<u>4,813</u>	<u>5,600</u>

3. Grants

	Unrestricted Funds 2023 £	Restricted Funds 2023 £	Total Funds 2023 £	Total Funds 2022 £
JRSST Trust	0	7,500	7,500	0
	<u>0</u>	<u>7,500</u>	<u>7,500</u>	<u>0</u>

The Campaign for Freedom of Information In Scotland

4. Charitable Activities

	Unrestricted Funds 2023 £	Restricted Funds 2023 £	Total Funds 2023 £	Total Funds 2022 £
Chief Officer Costs	3,850	4,368	8,218	5,725
Administration	55	0	55	68
Governance Cost – preparation of Accounts & Independent Examiner Fee	278	0	278	0
Events	102	0	102	366
Press & Media Support	0	612	612	0
Website	456	26	482	90
	<u>4,741</u>	<u>5,006</u>	<u>9,747</u>	<u>6,249</u>

5. Related party transactions

Carole Ewart as Ewart Communications was paid remuneration as Chief Officer of The Campaign for Freedom of Information in Scotland.

6. Funds

	Balance 31 March 2022 £	Receipts £	Payments £	Balance 31 March 2023 £	Balance 31 March 2022 £
Unrestricted Funds	384	4,813	4,741	72	384
Restricted Funds					
JRSST Trust	0	7,500	5,006	2,494	-
Total Funds	<u>384</u>	<u>12,313</u>	<u>9,747</u>	<u>2,566</u>	<u>384</u>

Restricted funds:

JRSST Charitable Trust

The grant from the JRSST CT ran from 8th February to 30th April 2023 to focus on:

- Critique both consultations on FoI rights and promote informed submissions by 14th March 2023.
- Build, support and inform an alliance of people and organisations supporting legal reform.
- Grow cross-party support for a FoISA Reform Bill.

Therefore part of the grant will be accounted for in the financial report for 2023/24.

The Campaign for Freedom of Information In Scotland

6. Independent Examiner's Report to the Trustees of The Campaign for Freedom of Information in Scotland

I report on the accounts of the charity for the year ended 31st March 2023 which are set out on pages 10-13.

Respective responsibilities of trustees and examiner

The charity's trustees are responsible for the preparation of the accounts in accordance with the terms of the Charities and Trustee Investment (Scotland) Act 2005 and the Charities

Accounts (Scotland) Regulations 2006 (as amended). The charity trustees consider that the audit requirement of Regulation 10(1) (d) of the 2006 Accounts Regulations does not apply. It is my responsibility to examine the accounts as required under section 44(1) (c) of the Act and to state whether particular matters have come to my attention.

Basis of independent examiner's statement

My examination is carried out in accordance with Regulation 11 of the 2006 Accounts Regulations. An examination includes a review of the accounting records kept by the charity and a comparison of the accounts presented with those records. It also includes consideration of any unusual items or disclosures in the accounts and seeks explanations from the trustees concerning any such matters. The procedures undertaken do not provide all the evidence that would be required in an audit, and consequently I do not express an audit opinion on the view given by the accounts.

Independent examiner's statement

In the course of my examination, no matter has come to my attention

1. which gives me reasonable cause to believe that in any material respect the requirements:
 - to keep accounting records in accordance with Section 44(1) (a) of the 2005 Act and Regulation 4 of the 2006 Accounts Regulations
 - to prepare accounts which accord with the accounting records and comply with Regulation 9 of the 2006 Accounts Regulations

have not been met, or

2. to which, in my opinion, attention should be drawn in order to enable a proper understanding of the accounts to be reached.

Name: Fiona Mackersie BSc(SocSci) Accounting Date: 16th December 2023

**NOTE: A signed copy of these accounts has been submitted to
OSCR**