



## Online Meeting of the Scottish Public Information Forum (SPIF) 16<sup>th</sup> June 2025 Minute

### 1. Welcome and Introductions

2. **The Path to the FoI Reform Bill in Scotland** - Katy Clark MSP reflected on the introduction of the Freedom of Information Reform (Scotland) Bill on 3rd June 2025 and the unsuccessful amendments to the Care Services (Reform) Bill. The FoI Bill attempts to close loopholes, introduce new enforcements and extend the range of ways a body can be designated. Attendees directed to the [Bill publication page](#) and the [Standards, Procedures and Public Appointments Committee website](#).

3. **The Commissioner's View** - David Hamilton noted that the Bill is a positive step but some loopholes remain. Noted that the Scottish Information Commissioner will use years of corporate memory, data and practical experience to inform their submission. Attendees directed to the [Scottish Information Commissioner's website](#).

4. **The Response of CFoIS** - CFoIS Director Carole Ewart reflected on 23 years of FoISA, noting its success but need for reform, and that the Bill would make some positive changes. She thanks Katy Clark MSP for her commitment to securing legislative change. Attendees directed to the [CFoIS website](#).

The presentations were followed by a Q&A.

### 5. Reports and Updates

- a) Michael Birrell [Scottish Government](#) provided an overview of the Scottish Government's FoI Policy – See Appendix 1.
- b) [Scottish Information Commissioner](#) provided an update on the work of the Office.
- c) Annie Barber [CFoIS](#) provided an organisational report on social media activity, upcoming events and communications.

6. **Date of next meeting** – 26th September 2025.

7. **Thanks were given to all who attended and participated.**

## **Appendix 1 Scottish Government Update**

### **Scottish Government FOI Policy**

Katy Clark MSP FOI Reform Member's Bill:

- Katy Clark MSP introduced her FOI Reform (Scotland) Member's Bill in parliament on 2 June.
- As with any Member's Bill, the Scottish Government will give full and careful consideration to the terms of the Bill before reaching a position.
- The Scottish Government remains open to further engagement with the Member.

Social care extension consultation:

- Scottish Ministers remain committed to consult on extension of FOISA to private and third sector operators of care home and 'care at home' services.
- The Consultation Advisory Group on the proposed extension of FOI law to care home and care at home services was established on 20 February 2025.
- Three subgroups have been set up and are looking at different strands of key issues identified by the Group: scope of consultation, support to sector, transparency of approach/wider themes of transparency.
- The group's page has been created on the Scottish Government website: [Care sector - proposed Freedom of Information extension: Consultation Advisory Group - gov.scot](https://www.gov.scot/topics/foi/consultation-advisory-group).
- Minutes of the first meeting of that Group are now available on the web page, and minutes from the various sub-groups will follow soon.
- A first draft consultation document with proposed questions has now been circulated to all members.
- This will be discussed at the second meeting for Subgroup 2 (scope of proposed extension) scheduled for this afternoon then at a further full meeting of the Advisory Group.
- At the stage 3 debate on the Care Reform (Scotland) Bill on 10 June the Scottish Government resisted a proposed amendment by Katy Clark MSP which would have sought to effect a similar extension within the Bill itself.
- The former Minister for Social Care, Mental Wellbeing and Sport set out the Scottish Government's reasons for resisting that amendment in terms of the importance of allowing the current process of consultation to continue, before reaching a decision on extension.

Work on other FOI policy objectives:

- Work continues on the delivery of the Scottish Government's other FOI Policy Objectives.
- In particular the Scottish Government is currently considering comments provided by the Commissioner's team in relation to the revision of the Section 60 Code, and we hope to revert to the Commissioner's office soon, before going out to a wider community of stakeholders for comment.

### **Scottish Government FOI Improvement**

- The Scottish Government continues to engage with the Scottish Information Commissioner in relation to the ongoing Level 3 Intervention looking at our FOI performance and practice.
- The actions we have taken over the last 18 months were in accordance with our 2024 FOI improvement plan, designed to meet Commissioner's recommendations from his 2023 progress report.
- A further review of progress by the Commissioner's office is currently underway.