



Access to information rights in Scotland

Consultation response, March 2023

Introduction to Scottish Environment LINK

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organizations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment. Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK works mainly through groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits. This consultation response was written by LINK's Governance Group.

1. Response

Freedom of Information is an important right which ensures transparency and encourages good governance. In principle, LINK is supportive of measures to improve the effectiveness of the current system and to improve access to information on public services. We are aware that the Scottish Government consultation is running simultaneously with the consultation for a proposed Members' Bill.

It is, in principle, appropriate that some organisations performing services on behalf of the government should be subject to Freedom of Information. However, any extension of Freedom of Information must be proportionate and clearly defined. Third sector organisations, including LINK, will require clarity on the impact of any proposed extension to judge whether this would be appropriate.

Transparency is a good thing. Third sector organisations should seek to be open and accountable, and this is particularly true when they are in receipt of public funding.

Many third sector organisations receive public funding, either on a grant or core-funding basis. This funding can come from the Scottish or UK governments, local authorities, or other public bodies. Such funding often includes requirements to provide reports on the use of the funds – submitted to the public funding agency responsible. In such cases, where the information sought is provided by contracted organisations to a public body, the public agency is the appropriate body to respond to FOI requests.

Some grants to third sector organisations are small, or may cover work performed over short periods. If such a grant required the organisation to be subject to Freedom of Information, this could cause a disproportionate impact on the organisation's resources, and could even act as a disincentive to smaller organisations to accept public funding. Any changes to FOI requirements must provide clarity as to which organisations would be subject to FOI and under which circumstances. In addition, were these responsibilities extended to include charities, there should be clear exemptions where information is publicly available or will be in due course, such as through reports for OSCR.

Finally, we note that public authorities subject to FOI are exempt from the requirements to record activity in the Lobbying Register. If FOI reporting was extended as proposed, in practice this would mean that third sector and other organisations may be subject to a greater administrative burden than public bodies.



This response was compiled on behalf of LINK Governance Group and is supported by:

Badenoch & Strathspey Conservation Group

Cairngorms Campaign

National Trust for Scotland

Scottish Wildlife Trust

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Scottish Environment LINK the voice for Scotland's environment



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LINK is a Scottish Charity (SC000296) and a Scottish Company Limited by guarantee (SC250899), core funded by Membership Subscriptions and by grants from NatureScot, Scottish Government and Charitable Trusts.

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