

Your rights under freedom of information law in Scotland

The Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 give you new legal rights to ask for and to be given information from a wide range of public organisations in Scotland. You can use your rights to ask for any recorded information held by a Scottish public authority, including information held on paper, computer, microfiche or video tape. You can ask for any information you want, for example:

- The number of complaints about services
- Levels of pollution in an area
- How authorities decide priorities for waiting lists
- Contracts with private companies

Will I have to pay?

Information that costs less than £100 should be given to you free of charge. If the information costs over £100, you may be asked to pay 10% of the costs above that amount. Authorities do not have to provide information that costs more than £600. If the request is for environmental information, authorities can apply their own charges, but these must be reasonable.

How do I ask for information?

- Make your request in a letter or email, on audio or video tape (you can make a verbal request for environmental information)
- Send or give your request to anyone who works for the authority
- Tell the authority if you need the information to be provided in a particular format e.g., on tape or in large print
- You do not have to say why you want the information, nor mention your rights when making the request

If you have difficulty making your request, the authority must provide you with help and assistance.

What happens next?

The authority must reply to your request within 20 working days (this can only be extended in limited circumstances when you have asked for a lot of complex environmental information). In most cases the authority should give you the information. If, however, the authority decides not to give you the information, it must send you a refusal letter explaining why it is refusing the information and why it believes this is legal.

Is there information I may not be able to see?

The law allows public authorities to keep some limited information from you. You should not, however, be put off asking for information because of this. Even if the information falls within one of the exemptions in the law, the authority may be willing to let you have all or a part of it. You cannot, however, get access to sensitive personal information about other people.

Can I ask for information that is held about me?

Yes, you already have this right under the Data Protection Act 1998.

What can I do if the authority won't give me the information?

Contact the authority again and ask it to review its decision. The authority must reply to this within 20 working days, either giving you the information or continuing to refuse it. If you are not satisfied with the authority's reasons for still refusing to give you the information, you can appeal to the independent Scottish Information Commissioner to investigate and decide whether the authority's decision is correct. If the Commissioner decides that you should have been given the information, he has the power to order the authority to give it to you.

How can I find out more?

This leaflet provides only a short overview of your rights. More information can be found in the booklet "Your Right to Know: a guide to freedom of information law in Scotland", which is available free of charge from our office. You can also visit our website www.itspublicknowledge.info or contact our office for practical advice about how to get the information you want.

Scottish Information Commissioner

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