

Freedom of Information (Amendment) (Scotland) Bill

Groupings of Amendments for Stage 3

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 3 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Note: The time limits indicated are those set out in the timetabling motion to be considered by the Parliament before the Stage 3 proceedings begin. If that motion is agreed to, debate on the groups above each line must be concluded by the time indicated, although the amendments in those groups may still be moved formally and disposed of later in the proceedings.

Group 1: Information under arrangements made by Scottish public authorities

7

Group 2: Purposes of FOI Act

9

Group 3: Exercise of power to designate authorities

8, 1

Debate to end no later than 45 minutes after proceedings begin

Group 4: Reporting on power to designate authorities

10, 2, 3, 4, 5, 11

Notes on amendments in this group

Amendment 10 pre-empts amendment 2

Group 5: Scottish public authorities: Glasgow Housing Association

14

Group 6: Functions of Commissioner

12

Group 7: Minor adjustment

13

Debate to end no later than 1 hour 20 minutes after proceedings begin

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Amendments in debating order

Group 1: Information under arrangements made by Scottish public authorities

Elaine Murray

7 Before section 1A, insert—

<Information relating to functions of an authority

In section 3 (Scottish public authorities) of the FOI Act, after subsection (2) there is inserted—

“(2A) Subsection (2B) applies where, after the date on which this subsection comes into force, a Scottish public authority makes arrangements for another person (other than another Scottish public authority) to exercise any function of the authority or provide any service whose provision is a function of the authority.

(2B) Information relating to the exercise of the function or, as the case may be, provision of the service covered by the arrangements, and created by or in the possession of—

(a) the person with whom the arrangements are made, or

(b) any other person sub-contracted to provide the service or exercise the function or any part of it on behalf of the person,

is, for the purposes of subsection (2)(b), information held on behalf of the authority.

(2C) The arrangements must include provision to ensure the timely provision to the authority of information within the meaning of subsection (2B) where the authority receives a request for the information under section 1(1) of this Act.

(2D) In subsection (2A), “arrangements” includes—

(a) the establishment of a body for the purpose of exercising any function of the authority or providing any service whose provision is a function of the authority,

(b) contractual arrangements, but only where the total sum to be paid by the authority under the contract exceeds £1 million.”.>

Group 2: Purposes of FOI Act

Michael McMahon

Supported by: Willie Rennie

9 Before section 1A, insert—

<Purposes of FOI Act

Before section 1 of the FOI Act there is inserted—

“A1 Purposes

The purposes of this Act are, consistent with the Scottish Parliament’s founding principles of openness, accessibility and accountability—

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- (a) to increase progressively the availability of information held by Scottish public authorities in order—
 - (i) to enable more effective public participation in the making and administration of laws and policies,
 - (ii) to promote the accountability of Scottish public authorities, and
 - (iii) to facilitate the informed discussion of public affairs,and, in doing so, enhance respect for the law and promote good government, and
- (b) to provide an enforceable right of access to information held by Scottish public authorities or persons providing services for them in accordance with the principle that information should be available to any person requesting it.”.>

Group 3: Exercise of power to designate authorities

Elaine Murray

8 In section 1A, page 1, line 5, at end insert—

<() In section 5 (further power to designate Scottish public authorities) of the FOI Act, after subsection (2) there is inserted—

“(2A) In considering how to exercise the power under subsection (1) the Scottish Ministers must have particular regard to the desirability of providing access to information held by—

- (a) any body that has been established by a Scottish public authority to exercise any functions or provide services on its behalf which is not a Scottish public authority within the meaning of section 3(1), and
- (b) any person within the meaning of subsection (2)(b) where the total sum to be paid by the authority under the contract exceeds £1 million.”.>

Elaine Murray

1 In section 1A, page 1, line 11, after <persons,> insert—

<() consult members of the public,>

Group 4: Reporting on power to designate authorities

Nicola Sturgeon

10 In section 1A, page 1, line 17, leave out <30 June 2016> and insert <31 October 2015>

Elaine Murray

2 In section 1A, page 1, line 17, leave out <2016> and insert <2014>

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Elaine Murray

Supported by: Nicola Sturgeon

- 3 In section 1A, page 1, line 18, leave out <3> and insert <2>

Elaine Murray

- 4 In section 1A, page 1, line 19, at end insert—
- <() The first report must either—
- (a) explain how the section 5 power has been exercised during the reporting period (and why), or
 - (b) state that the Scottish Ministers will, within 3 months after the date the first report is laid, lay before the Parliament a draft of a statutory instrument containing an order exercising the section 5 power.>

Elaine Murray

- 5 In section 1A, page 1, line 20, leave out <A> and insert <Each subsequent>

Nicola Sturgeon

- 11 In section 1A, page 2, line 13, leave out <at least 3 years preceding> and insert <time from the date on which section 1A of the Freedom of Information (Amendment) (Scotland) Act 2013 comes into force until>

Group 5: Scottish public authorities: Glasgow Housing Association

Iain Gray

- 14 After section 1A, insert—
- <**Scottish public authorities**
- In schedule 1 (Scottish public authorities) of the FOI Act, after paragraph 66 there is inserted—
- “The Glasgow Housing Association Ltd.”.>

Group 6: Functions of Commissioner

Paul Martin

- 12 After section 3, insert—
- <**Functions of Commissioner**
- In section 43 (general functions of Commissioner) of the FOI Act, after subsection (3) there is inserted—
- “(3A) The Commissioner must prepare, publish and update as necessary a list comprising those persons or bodies who are Scottish public authorities within the meaning of section 3(1).”.>

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Group 7: Minor adjustment

Nicola Sturgeon

- 13** In section 4, page 3, line 1, leave out <rule> and insert <enactment>