



The Scottish Parliament  
Pàrlamaid na h-Alba

**The Presiding Officer**  
**Rt Hon Ken Macintosh MSP**

Clare Adamson MSP  
Convener  
Standards, Procedures and Public Appointments Committee  
Room TG.01  
Edinburgh  
EH99 1SP

16 August 2017

*Dear Clare,*

**Freedom of Information (Scotland) Act 2002**

Thank you for your letter of 30 June about the resolution passed by the Parliament on 21 June on the Scottish Government's compliance with the Freedom of Information (Scotland) Act 2002.

As you know, the SPCB sets the Scottish Information Commissioner's terms and conditions of appointment and considers governance issues in relation to the Commissioner. However, the SPCB is not involved in the functions of the Commissioner, not least to avoid any perception of interference in day-to-day operations.

That said, to ensure accountability and public scrutiny in regarding their functions, all annual reports laid by SPCB supported officeholders are automatically referred to the relevant committee for consideration.

As you'll appreciate, it is not for the SPCB to decide which committee should undertake scrutiny of particular annual reports. However, you may be interested to know that when I established a cross-party selection panel to undertake recruitment of the new Scottish Information Commissioner, the relevant Convener on that panel was from the Justice Committee, in line with previous practice.

I hope this is helpful, but please get back in touch if you have any other queries.

Yours sincerely

**Rt Hon Ken Macintosh MSP**  
**Presiding Officer**