

**Response to:**

**Scottish Government Consultation on Extending Coverage of the Freedom of**

**Information (Scotland) Act 2002 to Registered Social Landlords**

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**Summary**

The Campaign for Freedom of Information in Scotland welcomes the proposal in this consultation to extend the Freedom of Information (Scotland) Act 2002 to “all RSLs irrespective of size”[[1]](#footnote-1), by 1st April 2018[[2]](#footnote-2). CFoIS agrees that “a ‘class description’ covering registered social landlords and setting out the function(s) considered to be covered by the order”[[3]](#footnote-3) is the tidiest way to proceed. We seek assurances from the Scottish Government that the all RSLs must be required to answer the information request within 20 working days so that the right remains robust, and can be enforced in a timely manner.

**About CFoI in S**

* 1. The Campaign for Freedom of Information in Scotland (CFoIS) was established in 1984 to secure a legal right of access to information so that people could find out about how they are governed and how their services are delivered. We have been involved in all the major developments of the legislation both at UK and Scottish levels. CFoIS is independent of government and relies on donations and income generated through training. For more information on our work go to <https://www.cfoi.org.uk/scotland/>
  2. During the passage of the Freedom of Information (Scotland) Act 2002 (FoISA) and subsequently, we have consistently argued that the legislation should cover a much wider section of Scottish society, recognising that our public services are delivered by bodies other than public authorities, though paid for by public money. CFoIS believes contractors who build and maintain hospitals and schools, who build and maintain trunk roads or water and sewage facilities should be covered by FoISA. Trusts and other arms-length organisations running public service facilities such as building, parking, transport, property, IT, finance and other support services, health, home, safety and social care should also be covered as should the Convention of Scottish Local Authorities (CoSLA) and other umbrella organisations which make key leadership decisions for the public sector.
  3. We welcome opportunities to work with the Scottish Government, public authorities, civil society and private sector companies to ensure that FoISA is implemented effectively and have organised and participated in a number of activities to this effect such as the Scottish Public Information Forum.
  4. Recent work has included drafting a briefing on the SSI ‘Time for Compliance regulations’ and circulating to all political parties at the Scottish Parliament (Oct 2016), making a submission to the UN on the Universal Periodic Review (UPR) of Scotland’s compliance with international human rights law (October 2016), and producing an ‘Agenda for Action for MSPs’ following the Scottish Parliament elections (May 2016) – see Appendix 1. We are grateful to the National Union of Journalists, GMB Scotland and RMT for donations that enabled this work to take place. Our voluntary commitment is constant including meetings across Scotland and briefing journalists.

**2. Context**

2.1 In drafting this submission we have spoken to FoI consumers and have examined FoISA. We have also referred to the Code of Practice issued by the Scottish Government which fulfils the statutory obligation on the Scottish Ministers under section 60 of FOISA and regulation 18 of the EIRs. Known as the ‘Section 60 Code”, it “provides guidance to Scottish public authorities on the practice which Scottish Ministers consider desirable for authorities to follow in connection with the discharge of their functions under the regimes.”[[4]](#footnote-4)

2.2 FoISA became effective on 1 January 2005[[5]](#footnote-5). In 2002, during Stage 3 of the Freedom of Information (Scotland) Bill, RSLs were withdrawn from the list of authorities to be covered. The then Justice Minister promised that they would be included and we are relieved that will now happen, 16 years later, effective from 1st April 2018.

2.3 The enforceable right to access information has become progressively weakened in Scotland due to changes in the way public services\* are delivered. Consequently, there has been a negative impact on transparency and accountability. In addition, the ‘Time for Compliance (Scotland) Regulations’ changed the rules that presumed bodies would respond within a maximum of 20 working days, and increased the response time to a potential 60 working days for grant-aided and independent special schools.[[6]](#footnote-6)

2.4 CFoIS notes the consultation is less that the normal three-month period, from 1st December 2016 – 23rd February, and that it takes place during the Christmas and New Year holidays. We are worried that a consequence will be fewer submissions in support of this proposal.

2.5 CFoIS is alarmed that the focus of this consultation is on the impact on RSLs rather than on the benefits to the general public as well as tenants. For example, it is stated “As part of the consultation process, the Scottish Government will meet a number of organisations and representatives from the housing sector so we can better assess the costs and/or benefits to them.”[[7]](#footnote-7) This seems to be a narrow focus on stakeholder engagement.

2.6 CFoIS is again disappointed that no human rights impact assessment was undertaken on a proposal to amend FoISA. An Equality and Human Rights Impact Assessment (EqHRIA) has been developed by the Scottish Human Rights Commission and the Equality and Human Rights Commission Scotland[[8]](#footnote-8). As this consultation involves interpretation of Article 10 of the ECHR, there should be more detail about its impact on the right to form an opinion by receiving and imparting information. Also, giving due consideration to recent jurisprudence of the European Court of Human Rights. CFoIS believes that the duties of Scottish Government Ministers under the Scotland Act 1998 and the Human Rights Act 1998 make the extension of access to information rights inevitable to tenant groups, journalists, bloggers etc. – see below.

2.7 CFoIS is pleased however that a child’s right impact assessment has been undertaken.

2.8 Addressing and fulfilling administrative obligations, particularly in a period of public spending cuts, is a challenge for all of Scotland’s 10,000 + public authorities. Many public authorities already covered by FoISA are large and complex yet they manage to fulfill legal timelines, e.g. due to sound record management systems and pro-active publication strategies. Public bodies covered by FoISA should proactively publish information described in their publication scheme (which must be submitted and approved by the Office of the Scottish Information Commissioner). A robust publication scheme reduces the need to process individual FoI requests as people can already access the information, at any time.

**3. Public Authorities**

3.1 Section 1 (1) of FoISA states:

“A person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority.” Schedule 1 of FoISA lists Scottish Public Authorities which also includes those delivering services of s public nature.

3.2 CFoIS considers that RSLs fit the description of ‘services of a public nature’ as:

* the functions are of a nature that would require them to be performed by a public authority if the body did not perform them;
* the body exercises significant powers;
* they are subject to state regulation, oversight or control.
* the public have lost rights to access information under the Act due to the outsourcing of public service delivery. For example 15,000 council house tenants lost their information rights when their properties were transferred to RSLs.
* they achieve some collective benefit for the public and is accepted by the public as being entitled to do so eg on regeneration and wider action programmes.

**4. Issues**

4.1 The Section 60 Code, emphasises that 20 working days is the maximum response time, and if information is available sooner it should be disclosed promptly “Requests for information must be answered as soon as possible and within 20 working days.”[[9]](#footnote-9) If a body has an effective information management system, then 20 days is a long period. It should be noted that FoISA does not require an authority to create information, rather just provide information it holds. CFoIS expects all RSLs to be subject to the 20-day response rule, particularly as it impacts on the timeframe for making appeals to OSIC. We seek an assurance from the Scottish Government that the 20 days’ response time will apply equally across RSLs.

4.2 The Scottish Government states that “there are almost 160 non-local authority RSLs”[[10]](#footnote-10) CFoIS agrees with the proposal to extend FoISA to all RSLs, irrespective of size is the right approach. CFoIS also accepts that FoISA should apply “insofar as their functions are recognised as being ‘of a public nature’.

4.3 However opinions are sought on RSL “subsidiaries” and CFoIS believes that insufficient information is provided within the consultation on the numbers that exist and the nature of their functions, to form an opinion:

“We note that some RSLs operate subsidiaries responsible for undertaking a wide

range of functions. The proposal in this consultation is to bring within the scope of

the Act RSLs rather than their subsidiaries (other than those RSLs which are

themselves subsidiaries of a parent RSL).

As indicated above, for bodies to be brought within scope of the Act they

must be undertaking functions of a public nature. In terms of subsidiaries we do not

consider that this is likely to be the case as subsidiaries are primarily created to

operate commercially on the same basis as private companies providing similar

services.”

However, we acknowledge that exceptions may apply and welcome comment on the

issue of RSL subsidiaries, for example, in terms of their functions, the extent these

might be ‘of a public nature’ assessed against the factors set out in

this consultation paper, as well as issues concerning their approach to openness and

transparency.”[[11]](#footnote-11)

4.4 CFoIS therefore requests information on the precise number of subsidiaries that have been set up by RSLs and their functions, in order to form an opinion on this question. We believe this is a legitimate request under FoISA as we believe the Scottish Government or the Scottish Housing Regulator should have the information. Also, it is an issue under Article 10 of the ECHR in respect of the duties of Scottish Government Ministers – see below.

4.5 CFoIS is concerned that subsidiaries may operate in similar fashion to ALEOs in Scotland and we believe that all ALEOs should be covered by FoISA.

4.6 CFoIS is aware that cultural change must accompany legal change. We note that the various voluntary codes and Regulatory Guidance have failed to detect problems which exist and have failed to deliver full transparency and accountability. CFoIS encourages RSLs to see FoISA as an opportunity to ensure good management, robust financial dealing and a pro-active willingness to be accountable. This makes good business sense and fulfills the Scottish Government’s ambition that “services that are high quality, continually improving, efficient and responsive to local people’s needs – and that people should be able to influence the decisions which affect their local area.”[[12]](#footnote-12)

Case Study

Wishaw and District Housing Association is now the subject of special measures by the Scottish Housing Regulator. It has been reported that the “watchdog slated the governance at the charity, saying it was intervening to protect tenants and to avoid more cash being lost”. It is reported that five new members have been appointed onto the board and the regulator has employed a manager to oversee operations.  An issue is the former Tesco site in Wishaw which the RSL took over in 2010. “Some £2.3m has been spent on the Main Street site so far yet it still remains a barren wasteland.”[[13]](#footnote-13) This case illustrates the advantage of the public having an enforceable right to access information as there are issues for the community as well as individual tenants.

**5. Business and Regulatory Impact Assessment** (BRIA)

5.1 We do not believe that coverage would impose a significant administrative burden that may be considered to have a disproportionate business impact on RSLs as:

* A core value of RSLs is accountability to their tenants;
* RSLs are already covered by the Environmental Information Scotland Regulations so they must already have a process established to identify if FoI requests should be answered under the EIRs. So, robust administrative procedures already exist and this represents a further development.
* Some RSLs say they abide by FoISA on a voluntary basis so they must already have robust systems in place.

5.2 CFoIS notes that **no** additional money was given to public authorities in Scotland to give effect to FoISA. RSLs are therefore being treated equally ie they should have sound information systems already so giving FoISA effect is not an onerous, additional burden,

5.3 CFoIS notes that the Scottish Executive, via the Scottish Public Information Group, oversaw the delivery of free training across Scotland to help public authorities prepare for the introduction of FoISA in 2003/2004. CFoIS was pleased to participate in the training in a variety of locations across Scotland. CFoIS suggest that the Scottish Government funds training or commissions CFoIS to deliver training with individual RSLs or to regional groups, and to tenants and requesters.

5.4 CFoIS, therefore, rejects the assertion that “There may be hidden costs to the public purse if an extension of coverage deters RSLs from competing for public funds, thus hindering competition and ultimately affecting the quality and cost of goods and services provided.”[[14]](#footnote-14) Furthermore there needs to be a cultural change in that being covered by FoISA is accepted as a consequence of doing business with the public sector in Scotland.

5.5 In terms of stakeholder engagement, CFoIS is interested to establish who the Scottish Government meets with given that it states: “In addition to the written consultation process, we will meet a number of organisations affected by the proposals.”[[15]](#footnote-15)

5.6 CFoIS recognises that 10,000 public sector bodies have operated under FoISA since 1st January 2005 and has continued to award contracts to the private sector. Therefore, we do not anticipate FoISA coverage will deter RSLs from commercial engagement with either public or private sector partners.

5.7 CFoIS is pleased that consideration has been given to increasing the budget for OSIC to accommodate the increase in activity which will be a consequence of the new Order. We suggest that the cost issue also be examined after the first year of operation, as well as the operation of the Order itself.

5.8 CFoIS is surprised that no reference has been made to the UN’s Guiding Principles on Business and Human Rights (UNGPs) which are currently being given effect in Scotland through the development of a Scottish National Action Plan (NAP)[[16]](#footnote-16). The UK NAP was adopted in 2013 and updated in May 2016. Transparency is a theme across the UNGPs. For example, Pillar 1 is “States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises” and this duty can be given effect through transparency.[[17]](#footnote-17)

6. **Human Rights**

6.1 RSLs are covered by the Human Rights Act 1998 so that impacts on how the Scottish Parliament should reform FoISA.

6.2 Accessing information in Scotland is generally assumed to be a right derived only from the Freedom of Information (Scotland) Act 2002 (FoISA) and the Freedom of Information Act 2000. However, the UK has ratified several international human rights treaties which specifically define a right to access information. Ratification means that all our laws and policies should comply. In reality there are problems in enforcing such rights in domestic courts which has been the subject of some comment over the years when the United Nations (UN) periodically reviews UK compliance with human rights treaty obligations.

6.3 The Scottish Parliament and the Scottish Government have clear obligations in respect of human rights due to the UK’s ratification of regional and international human rights laws under Articles 29, 57, 100 and Schedule 5 of the Scotland Act 1998. Having such power has enabled the Scottish Parliament to pass the Commissioner for Children and Young People’s (Scotland) Act 2003[[18]](#footnote-18) which lists functions in respect of the UN Convention on the Rights of the Child and gives duties to the Scottish Human Rights Commission in respect of ratified treaties[[19]](#footnote-19).

6.4 To provide guidance and clarity on the interpretation of articles within UN treaties, ‘General Comments’ are published and updated. For example, the UN Human Rights Committee issued General Comment 34 on Article 19 of the International Covenant on Civil and Political Rights (ICCPR), on freedom of opinion and expression, which extends the right to include access to information:

“To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information. States parties should also enact the necessary procedures, whereby one may gain access to information, such as by means of freedom of information legislation.The procedures should provide for the timely processing of requests for information according to clear rules that are compatible with the Covenant.”

6.5 Under section 29 of the Scotland Act, MSPs are required to pass legislation that is ECHR (and EU) compliant. Under Section 57 of the Scotland Act, Scottish Government Ministers have a positive duty to comply with the ECHR and human rights obligations. To fulfill these duties, Scotland should keep up to date with jurisprudence from the ECtHR eg on access to information rights.

6.6 In some of its judgements**,** the European Court of Human Rights (ECtHR) linked the ECHR with internationally ratified treaty framework. For example, in MAGYAR HELSINKI BIZOTTSÁG v. HUNGARY the ECtHR examined international human rights in some detail including the ICCPR[[20]](#footnote-20), when considering how to interpret Article 10 of the ECHR. The inter-relationship of human rights understanding, application and jurisprudence is a useful development in securing continuity.

6.7 The Human Rights Act 1998 (HRA) requires those delivering public services, and those of a public nature to comply with the ECHR. Therefore, those covered should also examine relevant jurisprudence to ensure their actions are compliant. In London and Quadrant Trust v Weaver Lord Justice Elias set out some factors which should be taken in to account when determining that a housing association (RSL) is covered by the HRA including”the extent to which in carrying out the relevant function the body is publicly funded, or is exercising statutory powers, or is taking the place of central government or local authorities, or is providing a public service”. Due to their cumulative functions in respect of the London and Quadrant Trust, he concluded housing associations are public bodies under the Human Rights Act.

6.8 There is now a growing awareness about the human rights obligations of housing associations and registered social landlords (RSLs) eg ‘Guidance for Social Housing Providers’ published by the EHRC.[[21]](#footnote-21)

6.9 In MAGYAR HELSINKI BIZOTTSÁG v. HUNGARY, The Grand Chamber of the European Court of Human Rights ruled, in its judgment delivered on 8th November 2016, that Hungary violated the Hungarian Helsinki Committee’s right to freedom of expression, under Article 10, when the police refused to disclose the names of ex officio defence counsels and the number of cases in which they were appointed in a given year. Article 10(1) of the ECHR states:

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.[[22]](#footnote-22)

6.10 The ECtHR has therefore ruled that there is a right to information from public authorities under Article 10 of the ECHR. Significantly however it has ruled that the right does not apply to all requestors ‘only those where access ‘is instrumental for the individual’s exercise of his or her right to freedom of expression.’ This may apply where the requester’s purpose is to contribute to public debate on a matter of public interest. The requester would also have to fulfill a ‘public watchdog’ role, which the Grand Chamber said might apply not only to the press and NGOs but also to authors, academics, bloggers and ‘popular users of social media’.

6.11 There has been deserved criticism of this partial ruling which appears to contradict the fundamental premise of the ECHR that rights must be enjoyed equally under Article 14:

“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” [[23]](#footnote-23):

6.12 Furthermore Article 34 of the ECHR permits cases to be brought by NGOs, groups and by individuals, but does not indicate any hierarchy of rights:

“The Court may receive applications from any person, nongovernmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the Protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right.”

6.13 The decision potentially means that public bodies which are not subject to the UK FOI Act or FoISA such as RSLs and their subsidiaries, will be subject to a new disclosure obligation where information is sought for public benefit eg by a poverty NGO, tenant organisation or investigative journalist. They could refuse only on the grounds provided by Article 10 itself, for example to protect national security, law enforcement, confidential information or the rights of others. Any restriction on access must be necessary and proportionate – a form of public interest test.

6.14 The UK government proposes to abolish the Human Rights Act and replace with a British Bill of Rights. This has been repeatedly opposed by the Scottish Government and the Scottish Parliament which instead assert that they will promote human rights as well as campaign to save the HRA. The First Minister has specifically touted the idea of giving domestic effect to international treaties eg ICCPR:

‘Human rights are therefore central to our concept of inclusive growth – the concept we have put at the heart of our strategy of building a stronger economy and a fairer society… Scottish Government “is looking at how we incorporate some of the other treaties and rights into our domestic law’.[[24]](#footnote-24)

6.15 It is worth noting that the Scottish Parliament has elevated scrutiny of human rights by establishing an Equalities and Human Rights Committee[[25]](#footnote-25) and this is already serving as a focus for campaigners calling for compliance on domestic, regional and international human rights eg compliance with the Concluding Observations on the UK by UN Treaty bodies. Since 2013, Scotland also has had a National Action Plan on Human Rights[[26]](#footnote-26).

**Conclusion**

The Scottish Government has chosen to fulfil a promise made by the elected Government of Scotland in 2002, that RSLs would be covered by FoISA. We are relieved that coverage is promised, for all RSLs, by 1st April 2018 and believe that is a sensible timescale for introduction of the public’s enforceable right to access information. Jurisprudence of the ECtHR also suggests that this decision was inevitable. In addition, ensuring that the public have a robust, enforceable right to access information is part of active democracy and fits with the current Scottish Government policy and legal commitments eg on ‘community empowerment’.

This decision is also popular, the public know about and approve of freedom of information rights in Scotland. Polling undertaken for the Scottish Information Commissioner in 2015 confirms the positive trend:

* 85%, public awareness of FOI rights in Scotland is at the highest ever recorded level. By contrast, awareness of the separate, but similar, right to access environmental information is just 27%.
* 82% of people don’t agree with that FOI is a waste of public money.
* 91% agreed (“strongly” or “tend to”) that it is important for the public to be able to access information.  This shows a small fall from 95% in 2014.
* 77% agree FOI gives them more confidence in Scottish public body decisions. 13% disagreed with this statement, and 9% felt there was no relationship.

Given the popularity of the right to know, we look forward to it being exercised in Scotland and for the RSL publication schemes to be ambitious thus cutting down on the need to make individual FoI requests in the first instance.

**Appendix 1**

**CFoIS 2016 Manifesto and Agenda for Action for MSPs**

1. Accept that the right to access information is a human right[[27]](#footnote-27).
2. Restore the public’s right to access information to at least its 2005 status eg restore FoI rights to 15,000 housing association tenants whose homes were owned by local authorities in 2005.[[28]](#footnote-28)
3. Restore the operation of the Scottish Public Information Forum to enable effective engagement with stakeholders, and to maintain and develop an enforceable right to access information which meets the public’s expectations.[[29]](#footnote-29)
4. Extend the right to access information to reflect changes in public service delivery in Scotland eg to voluntary organisations and RSLs.
5. Undertake an audit of all arms-length external organisations (ALEOs) and catalogue their functions, to enable informed decision making about the coverage and operation of FoISA.
6. Quickly extend the coverage of FoISA to all known ALEOs not already included, all public sector organisations and others delivering services of a public nature.
7. Agree it is the function delivered that requires FoISA coverage. Adopting this principle will ensure consistency in the coverage of FoISA[[30]](#footnote-30).
8. Maintain the principle that FoISA obligations apply equally to all organisations covered.
9. Reject any introduction of a new category of ‘core’ public organisations as a way of diluting the effectiveness of FoISA[[31]](#footnote-31).
10. Review the operation of FoISA to ensure our enforceable right to access informationremains effective in delivering open, transparent and accountable government and public services.

1. Pg 7 of the consultation <http://www.gov.scot/Resource/0051/00510874.pdf> [↑](#footnote-ref-1)
2. Pg 15, Ibid [↑](#footnote-ref-2)
3. Ibid [↑](#footnote-ref-3)
4. SCOTTISH MINISTERS’ CODE OF PRACTICE ON THE DISCHARGE OF FUNCTIONS BY SCOTTISH PUBLIC AUTHORITIES UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 AND THE ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004 pub 10th December 2014 at <http://www.gov.scot/Resource/0046/00465757.pdf> [↑](#footnote-ref-4)
5. For more information on the Act and subsequent amendments see website of the Scottish Information Commissioner <http://www.itspublicknowledge.info/Law/FOISA.aspx> [↑](#footnote-ref-5)
6. The Regulations are available at <http://www.legislation.gov.uk/ssi/2016/346/contents/made> [↑](#footnote-ref-6)
7. Pg 17 of the Consultation <http://www.gov.scot/Resource/0051/00510874.pdf> [↑](#footnote-ref-7)
8. For more information go to the dedicated website <http://www.scottishhumanrights.com/eqhria> [↑](#footnote-ref-8)
9. Pg. 5 See Note 2 [↑](#footnote-ref-9)
10. Pg 7 of the Consultation [↑](#footnote-ref-10)
11. Pg 8, Ibid [↑](#footnote-ref-11)
12. Pg 17, Ibid [↑](#footnote-ref-12)
13. See Third Force News Online Article on 13th February 2017 <http://thirdforcenews.org.uk/tfn-news/under-fire-housing-association-boss-refuses-to-quit?utm_medium=email&utm_campaign=TFN%20digest%20Tuesday%2014%20February&utm_content=TFN%20digest%20Tuesday%2014%20February+CID_f13407ff2ebbd350220a7adaaa33d097&utm_source=Email%20marketing%20software&utm_term=Under-fire%20housing%20association%20boss%20refuses%20to%20quit> [↑](#footnote-ref-13)
14. Pg 19 of the Consultation [↑](#footnote-ref-14)
15. 5.1 Pg 21 [↑](#footnote-ref-15)
16. See Scottish Human Rights Commission <http://www.snaprights.info/action-areas/better-world/business-and-human-rights> [↑](#footnote-ref-16)
17. For more information see ‘Implementing the United Nations “Protect, Respect and Remedy” Framework pub by OHCHR <http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf> [↑](#footnote-ref-17)
18. For example, see Section 5 of the Act <http://www.legislation.gov.uk/asp/2003/17/contents> [↑](#footnote-ref-18)
19. Section 2 (2)(b) Scottish Commission for Human Rights Act 2006 <http://www.legislation.gov.uk/asp/2006/16/section/2> [↑](#footnote-ref-19)
20. International Covenant on Civil and Political Rights [↑](#footnote-ref-20)
21. Available on GB EHRC website <https://www.equalityhumanrights.com/en/advice-and-guidance/guidance-social-housing-providers> [↑](#footnote-ref-21)
22. The full text is available at the Council of Europe Website <http://www.echr.coe.int/Documents/Convention_ENG.pdf> [↑](#footnote-ref-22)
23. Article 14 is not a standalone right bit must be partnered with another right. [↑](#footnote-ref-23)
24. Speech by FM on 9th December 2015. [↑](#footnote-ref-24)
25. See Scottish Parliament website <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/Equalities-Human-Rights-Committee.aspx> [↑](#footnote-ref-25)
26. Go to SHRC website <http://www.snaprights.info/what-is-snap> [↑](#footnote-ref-26)
27. For more information see <https://www.cfoi.org.uk/scotland/> [↑](#footnote-ref-27)
28. More detailed analysis is provided in the OSIC Report ‘FOI 10 years on: Are the right organisations covered? available at <file:///C:/Users/Agnes/AppData/Local/Microsoft/Windows/INetCache/IE/R0L7MN7K/Special_Report_10_Years_On.pdf> [↑](#footnote-ref-28)
29. SPIF is included in the Scottish Government’s Six FoI Principles [↑](#footnote-ref-29)
30. The EIR does not operate the scheduled/list system and therefore there is already a “function” dimension in existence in Scotland. [↑](#footnote-ref-30)
31. See 2015 consultation on the Scottish Government website <http://www.gov.scot/About/Information/FOI/Coverage> [↑](#footnote-ref-31)