

## Freedom of Information ?

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Nicola Sturgeon could get a gold medal for closed government

### ANALYSIS

NICOLA Sturgeon may have failed to improve public services or reduce child poverty, but her administration could be given a gold medal for closed government.

When the definitive history of the SNP's time in Government is written, one of the darkest chapters will be on how she and her predecessor undermined freedom of information legislation.

No major policy party, it should be noted, has clean hands when it comes to FOI.

The Scottish Tories make valid points about the Government's record on transparency, but their arguments is weakened by the fact they voted against the Freedom of Information (Scotland) Act in 2002.

“In our view, open government need not necessarily mean a bureaucratic system that will cost the taxpayer Â£4.8 million a year,” declared the then Tory MSP Lord James Douglas-Hamilton. Such opposition has not aged well.

In coalition with the Liberal Democrats, Labour introduced the FOISA, but Ministers quickly became exasperated.

One dismissed the legislation to me as the ‘œnosey bastards’ charter’.

I am also old enough to remember Labour’s Margaret Curran, at that point the Parliament Minister, toying with a new charging regime in order to deter journalists and lawyers.

However, the SNP Government has proven to be an Olympian of anti-FOI activity.

And Alex Salmond, as First Minister, was the Steve Redgrave of secrecy.

After he became FM, the Scottish Government contended that FOI provided a right to information, not documents.

Applicants could not simply ask for emails, reports or minutes, but they would have to say precisely what they wanted in these documents.

It was an impossible ask that thrust a stake through the heart of the legislation.

In 2009, Ministers told the Scottish Information Commissioner - who adjudicates on disputes - that 31 of 45 appeals to the SIC were invalid on the grounds that ‘œdocuments’ were being sought.

Some of the cases included requests for correspondence between Salmond and SNP donor Brian Souter, as well as between him and tycoon Sir Angus Grossart, and pop star Sandi Thom.

Pushing ahead with this cynical approach, which followed a Court of Session ruling, would have destroyed FOI and Salmond eventually relented.

His Government also tried to undermine the authority of the Commissioner. During an appeal process,

the SIC can have full access to the information in a dispute, but Salmond's administration queried this power in court.

Again, he backed down after a backlash.

The Sturgeon Government's hostility to FOI is less overt, but no less insidious.

Rather than challenging the law through the courts, other ways have been found to dodge its provisions and block the release of embarrassing disclosures.

The Act provides a right to "recorded" information.

If it is not recorded, it cannot be released.

And so dozens of vital Government meetings, which have led to decisions that bear a cost to the public purse, have never been minuted.

Backers of billionaire Jim McColl's private college project met Government officials in 2017 about securing funds for the project.

No minute was taken.

The same was true when the then Justice Secretary Michael Matheson held meetings to discuss the reinstatement of a chief constable suspended for alleged bullying.

A bad habit appears to have turned into Government policy.

The Salmond - \_ual misconduct investigation Salmond symbolises the SNP's approach to FOI.

The First Minister met her predecessor at her house to discuss the Government's handling of its internal probe into Salmond. Her publicly-funded chief of staff was also present.

But, according to Sturgeon, this was party business and no minutes exist.

It is also not possible, claims the Government, to say whether Salmond emailed Sturgeon's office last year about the probe.

This is because, apparently, officials "do not keep a log of every email received on a topic".

By contrast, the SNP issues regular demands for full transparency from the Tory Government on Brexit and host of other reserved matters.

Our schools and hospitals may be sliding down the international league tables, but the Scottish Government is becoming a world leader on hypocrisy.

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## **Re: Freedom of Information ?**

Posted by Tom - 18 Feb 2019 10:59

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I can unfortunately see so much mirroring in many ERC staff and councillors.

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