



30<sup>th</sup> November 2018.

Graeme Dey,  
Minister for Parliamentary Business and Veterans  
The Scottish Government,  
St. Andrew's House,  
Regent Road,  
Edinburgh EH1 3DG.

Sent by email to: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)  
From: [cfoiscot@gmail.com](mailto:cfoiscot@gmail.com)

Dear Graeme Dey

### **Designation of RSLs under FoISA**

We hope that you have settled in to your new brief as Minister for Parliamentary Business and Veterans and are thriving on the challenges.

We are writing to you in your capacity as the Minister who is responsible for freedom of information, your delivery of the obligations as a duty bearer under the Human Rights Act 1998 and your commitment to ensuring that the current legislation enables the equal enjoyment by people of access to, and enforcement of, information rights in Scotland.

The Scottish Government announced that RSLs would be designated under the Freedom of Information (Scotland) Act 2002 (FoISA) effective from 1<sup>st</sup> April 2018. In December 2017 the Minister announced that there had been a delay to implementation and a further delay of one year would occur. This pushed the designation date to 1<sup>st</sup> April 2019 but now we understand that date will not be honored either. We regret that promises made, and accepted in good faith by ourselves, have been repeatedly broken.

This further delay was intimated at a meeting of the Scottish Public Information Forum on 28<sup>th</sup> September and it was unclear if **all** RSL subsidiaries will be included in the designation. It is the repeated and evidenced opinion of the Campaign for Freedom of Information in Scotland and UNISON Scotland that all subsidiaries must be included in the Order for Designation to make the enforceable right to access information robust.

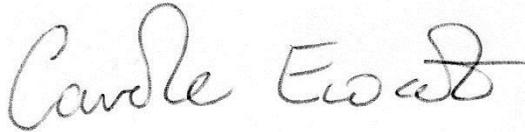
As you will know there is an established track record of Ministers making promises that RSLs would be covered by FoISA and nothing happening. You will recall that in 2002 at

Stage 3 of the Freedom of Information (Scotland) Bill, RSLs were removed from designation under the Bill and the then deputy First Minister undertook to include them soon after.

We know the issues are complex, but I am sure that you will agree that further delaying implementation of this access to information right is unacceptable.

We ask you to give the matter your prompt attention, and look forward to hearing from you.

Yours sincerely,

Handwritten signature of Carole Ewart in black ink.

Carole Ewart  
Convener, CFoIS

Handwritten signature of Mike Kirby in black ink, with initials 'MK' and 'KSC' written above the signature.

Mike Kirby  
Scottish Secretary, UNISON.