

### **3 TAYSIDE CONTRACTS - FREEDOM OF INFORMATION (AN22-2019)**

The Freedom of Information (Scotland) Act 2002 was introduced in 2015. Since that date, Tayside Contracts, as a Joint Committee of Dundee, Angus and Perth and Kinross Councils, has answered Freedom of Information requests via its senior officers with any Reviews being carried out by Ian Waddell, Managing Director.

This was done to ensure transparency and public scrutiny of Tayside Contracts' activities.

However, following a recent appeal, the Scottish Information Commissioner's Office has decided that as Tayside Contracts is not listed as a Scottish Public Authority under Schedule 1 and Section 3 of the Act, the Freedom of Information regime does not apply to Tayside Contracts separately from it applying to its three individual constituent local authorities.

The intention of the Information Commissioner is to designate Tayside Contracts as a Scottish Public Authority when the first opportunity arises. In the meantime, the Managing Director would wish to continue as before and allow Tayside Contracts to deal with Freedom of Information requests themselves with Reviews being carried out by the Managing Director.

In order to facilitate this as a temporary measure until Tayside Contracts is designated by law as a Scottish Public Authority, the Committee are requested to delegate to Tayside Contracts the answering of Freedom of Information requests. In addition, the Committee are requested to agree to delegate to the Managing Director the role of determining internal Reviews of the decisions where appropriate and to deal with any appeals to the Scottish Information Commissioner which may arise. This will apply to requests which are made in respect of Tayside Contracts' activities in the Dundee area. Perth and Kinross Council and Angus Council are to be requested to delegate in a similar fashion in respect of Freedom of Information requests which arise from Tayside Contracts' activities in their areas. The result is that until the Scottish Information Commissioner carries out his designation, Freedom of Information requests can continue to be answered as before and the Joint Committee will continue to be open to public scrutiny and transparent.