

July 1, 2014.

David Stewart MSP,
Convenor,
Public Petitions Committee,
The Scottish Parliament,
Edinburgh.

Dear Mr Stewart,

I wish to formally support the Petition relating to Freedom of Information presented to your Committee by Mr William Chisholm, MBE.

Mr Chisholm seeks to have accuracy added to the conditions under which Responses are made to Freedom of Information Requests. This, in my submission, represents a very reasonable and sensible amendment to the Freedom of Information Act and one which was surprisingly omitted when the original legislation was drawn up.

As a senior journalist with the News of the World for more than 40 years, I made many Requests under Freedom of Information. Events subsequently showed that in some cases the Responses contained detail that was inaccurate although I have no evidence to suggest this was a deliberate act by the Responders.

As you will be aware, newspapers are required by law to publish matter that is accurate. There is legislation to provide members of the public to seek redress in cases where information has been inaccurate. Why should a similar right not be available to those making Freedom of Information Requests who subsequently find the Responses to have been inaccurate?

I was frankly appalled by what I heard when listening to the present Freedom of Information Commissioner addressing the Committee on the subject of Mr Chisholm's Petition. The theme of the address appeared, to me, to be negative and confusing.

The Freedom of Information Commission has been provided with the legal capability to those breaching the terms of the Act. Yet it simply refuses to take action against offenders. This is unacceptable. Members of the public expect the Commission to adhere to the law as approved by the Scottish Parliament. In a case in which I was personally involved, a public body Responder ignored both the timescale laid down by when a Response had to be made and the judgement of the Commission. If information is to be accurate it must be full. This was not the case and the Commission was, in my case, aware of that. Yet the Commission refused to take any further action whatever even though it had to right to have the Responder punished at the Court of Session.

This attitude of refusing to challenge public bodies prevails and is mirrored in the objections by the Commissioner to accept the addition of accuracy under the terms in which Responses should be made. The present legislation coupled with the negative attitude of the Commissioner allows Responders to Respond with clearly inaccurate information, information that may be supplied as deliberately inaccurate, knowing no recriminations will follow. Was this what the architects of Freedom of Information intended? I suggest it was not; why else has the legislation provided for the Commission to take offenders before the Court of Session?

A Response is worthless if it is not accurate. Under the present legislation and the attitude of the current Commission, Responders have carte blanche to ignore the spirit of the Act which was that the public could expect to be supplied with full, honest and accurate Responses to Freedom of Information Requests.

Mr Chisholm's long experience as a highly respected journalist, presumably has inspired him to see a very commendable although slight amendment to the current legislation. My experience supports him fully. Responders should be legally bound to give information of which great care has been taken to ensure it is accurate.

Yours sincerely,

David Leslie