

PE1740/G

Petitioner submission of 12 May 2020

Thank you for inviting the Information Commissioner's Office to respond to our petition and for notifying us of their submission (2 April 2020).

ICO's submission confirms what they previously told us. Regarding complainants recording meetings and phone calls with public bodies, ICO states in the submission, "Indeed, there is nothing to stop individuals from making such recordings at the moment in these circumstances."

While there is no legal basis to stop people recording, ICO also recognises, "there is no legal right for individuals to make such recordings and there is no legal obligation on organisations to permit such recordings". It is unsurprising, therefore, that there is a "lack of consistency across organisations" and that ICO receives "a number of inquiries on this issue". We believe that this grey area ought to be resolved in law. We have laid out the benefits of this in our original petition. ICO also confirm that recordings would be subject to existing data protection law once they are passed from the complainant to SPSO.

We are heartened and grateful that the Committee is continuing to pursue this petition and that the Scottish Government has expressed support for the petition's first request and an interest in further examining the second request (the request discussed by ICO above).

We would like to remind the Committee that we still have not received any response to the questions we asked in our submission, 10 Dec 2019. They are as follows:

- Please could we see a copy of the response the Local Government and Communities Committee expected from the Minister by 5 Nov 2019 as to when resources will be available for allowing SPSO to take complaints in any format (since everyone was in agreement this was a necessary change).
- We also asked if the Government could clarify the vehicles available for making the changes requested in the petition, particularly those that use the least resources. In summary, we would appreciate guidance on how best to ensure these changes are progressed, since the Government has characterised a lack of resources to be the only obstacle to enacting the changes.

Thank you for your continuing work.