



Anne Booth

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Dear Ms Booth

PE1539 – HOUSING ASSOCIATIONS TO COME UNDER FREEDOM OF INFORMATION ACT (SCOTLAND) 2002 (FOISA)

The Committee considered your petition PE1539 at its meeting on 24 June 2015. In the petition you call for the Scottish Government to make an order under Section 5 of FOISA to make all housing associations subject to the provisions of that Act. The Official Report of the meeting is available here:

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10045>

The Scottish Government has not included RSLs in its current consultation on which bodies to include in the next Section 5 order to be covered by FOISA, as it is not yet “currently persuaded of the merits of extending coverage to housing associations”. It has, however, acknowledged the Information Commissioner’s support for the petition and has requested that all interested parties, including RSLs, tenants and representative bodies whether RSLs (amongst other bodies) should be included in future Section 5 orders.

It also confirms that it intends to review the effectiveness of the SHC in promoting openness and transparency to assess whether it “needs strengthening in some respects and/or if extending freedom of information coverage to some or all of RSLs’ social housing functions would be appropriate.”

The Committee has noted that you have submitted comments to the Scottish Government expressing your concerns about the scope of its consultation.

Following consideration of the petition, the Committee agreed it would urge the Scottish Government to engage fully with you and your views in respect of extension of FOISA to RSLs. Upon conclusion of the current consultation, the Committee has asked the Scottish Government to confirm how it intends to take forward these views to its review of the SHC and how it will assess whether RSLs should be included in the next FOISA Section 5 consultation.

The Committee also agreed it would urge you to engage with the Scottish Government's consultations and you should therefore provide a response to the current consultation on FOISA extension, in particular question 8.

The consultation is available on the Scottish Government's website here:

<http://www.gov.scot/Publications/2015/06/5112>

Should you have any questions, please do get in touch.

Yours Sincerely

Jason Nairn
Assistant Clerk
Infrastructure and Capital Investment Committee