



## **Is Accessing Information A Human Right? – Lessons for Scotland**

**Friday 26<sup>th</sup> September 2014      1.45 - 4.30pm**

### **Event to Celebrate International Right to Know Day 2014**

**Organised by the Campaign for Freedom of Information in Scotland with The  
Centre for the Study of Human Rights Law, University of Strathclyde**

#### **Agenda**

- 1.45 Registration and Coffee/Tea
  
- 2pm Welcome and Introductions  
Dr Elaine Webster, Director of the CSHR
  
- 2.10 Decision of the Scottish Information Commissioner and Human Rights Law  
Carole Ewart, Campaign for Freedom of Information in Scotland
  
- 2.40 Cases from Europe and from the UK Supreme Court  
Speaker TBC
  
- 3.10 What does it mean for campaigners in Scotland?  
Dr David Goldberg, Campaign for Freedom of Information in Scotland
  
- 3.30 Discussion
  
- 4.15 Progressing Rights  
Dr Hakeem Yusuf Reader in Law and Public Policy, School of Law University of  
Strathclyde
  
- 4.30 Close

#### **Context**

The Campaign for Freedom of Information in Scotland is celebrating its 30<sup>th</sup> Anniversary in 2014. Whilst there is a lot to celebrate in the eventual passing of the Freedom of Information (Scotland) Act 2002 (FoISA) and the limited Freedom of Information Amendment (Scotland) Act 2013, there is much still to be done eg bringing Arms - Length External Organisations (ALEOs) under FoISA and adding new

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categories of organisations such as Registered Social Landlords (housing associations).

CFol in S is concerned that Scotland is lagging behind the rest of the UK in maintaining a progressive and effective freedom of information regime. As the method of delivery for public services change, the right to access information has not kept up to date so the amount of information covered by FoISA appears to be reducing. For example the Openness of Local Government Bodies Regulations 2014 do not apply to Scotland.

International Right to Know Day (IR2KD) has been celebrated around the world for 11 years and is rooted in the belief that the right to know is a human right but is also a vehicle for accessing other rights such as forming an opinion, participating in free and fair elections and in public affairs generally. CFol in S agrees with IR2KD that:

- The right of access to information is an important human right, necessary for the enjoyment of other human rights:
- The right to information is essential for transparent and accountable government.
- The right of access to information makes possible the public involvement in formulating social policies and in the decision-making processes of governance.
- The right to information can only be effectively exercised and implemented on the basis of laws, regulating this right in accordance with international standards.

There are problems in Scotland connecting human rights to the operation and scope of FoISA. A confusing and unhelpful 'rights' landscape is emerging. For example RSLs are covered by the Human Rights Act 1998 which means they must comply with the European Convention on Human Rights (ECHR) and Article 10 is the 'right to form an opinion and to receive and impart information'; RSLs are now regarded as public authorities for the purposes of the Environmental Information (Scotland) Regulations 2004 (EISRs); however RSLs are not covered by FoISA. How are members of the public supposed to navigate their way through the complex system of rights?

Scotland, and the UK, is also covered by international human rights law. In October 2014, the UN Human Rights Committee will consider a 'list of issues' for the UK to respond to about its compliance with the International Covenant on Civil and Political Rights (ICCPR). CFol in S is drafting a submission to the Committee to ask that the UK be questioned about whether FoISA does comply with ICCPR rights Article 19 'the right to form an opinion' and Article 25 'the right to take part in public affairs'.

This meeting will consider if accessing information is an enforceable human right in Scotland, and whether we should use human rights law to gain information from public bodies and those delivering services of a public nature as such information requests are currently refused under FoISA. This meeting is about making access to information a real right!

This meeting is open to anyone who is interested in accessing information and human rights but will be particularly relevant to civil society organisations.

**To register for this event go to <https://www.eventbrite.com/e/is-accessing-information-a-human-right-lessons-for-scotland-tickets-12969904333>**

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