



# Freedom of Information (Scotland) Act 2002

2002 asp 13

## PART 1

### ACCESS TO INFORMATION HELD BY SCOTTISH PUBLIC AUTHORITIES

#### *Right to information*

### **3 Scottish public authorities**

- (1) In this Act, “Scottish public authority” means—
- (a) any body which, any other person who, or the holder of any office which—
    - (i) is listed in schedule 1; or
    - (ii) is designated by order under section 5(1); or
  - (b) a publicly-owned company, as defined by section 6.
- (2) For the purposes of this Act but subject to subsection (4), information is held by an authority if it is held—
- (a) by the authority otherwise than—
    - (i) on behalf of another person; or
    - (ii) in confidence, having been supplied by a Minister of the Crown or by a department of the Government of the United Kingdom; or
  - (b) by a person other than the authority, on behalf of the authority.
- (3) Subsection (1)(a)(i) is subject to any qualification set out in schedule 1.
- (4) Information is not held by the Keeper of the Records of Scotland if it is contained in a record transferred to the Keeper by a public authority within the meaning of the Freedom of Information Act 2000 (c. 36) unless it is information—
- (a) to which subsections (2) to (5) of section 22 apply by virtue of subsection (6) of that section; or
  - (b) designated by that authority as open information for the purposes of this subsection.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Where the public authority mentioned in subsection (4) is the Secretary of State for Scotland and the information is contained in a record transferred as is mentioned in subsection (6) of section 22 the reference in subsection (4)(b) to “that authority” is to be construed as a reference to the Scottish Ministers.