

SCOTTISH PARLIAMENTARY STANDARDS COMMISSIONER ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 16 – Restriction upon disclosure of information

93. This section restricts the disclosure by the Commissioner and the staff or any other persons appointed by the Commissioner (see paragraph 3 of the schedule for provision about such other persons) of any information contained in the complaint or any information that is obtained in relation to the complaint during the investigation. Disclosure is only permitted to enable or assist the Commissioner in carrying out the functions imposed by the Act or standing orders. For example in providing information about the complaint to members, the complainer and other parties who are questioned. The Commissioner also requires to disclose information about the complaint for the purpose of his or her report to the Standards Committee. In addition, disclosure is permitted for the purpose of the investigation or prosecution of any offence or suspected offence.
94. The restriction on disclosure in this section does not extend to the Standards Committee and the Parliament who may choose to publish the information as part of a report following upon any consideration of a report prepared by the Commissioner. In practice, it is envisaged that any report to the Parliament by the Standards Committee in relation to a complaint would include a copy of the Commissioner's report to it.