

## JustRight Scotland response to the Scottish Government consultation on access to information rights: Our statement

JustRight Scotland (JRS) welcomes the opportunity to respond to this consultation.

We support the aim of this consultation on reviewing and strengthening people's access to information rights, and the underlying principles of enhancing transparency and accountability.

However, as highlighted in our [response](#) to Katy Clark MSP's consultation on a Freedom of Information Reform (Scotland) Bill, also submitted today, we believe any changes to FoI legislation that extend obligations to charities like ours, need to be tailored, proportionate, and reflect the unique environment in which the charitable sector operates.

JRS provides direct legal advice and representation to people across Scotland in areas of law where there are gaps in access to justice, and we are the only legal experts in Scotland working on many of the issue that we address.

We operate four legal centres:

- I.Scottish Refugee and Migrant Centre
- II.Scottish Women's Rights Centre
- III.Scottish Anti-trafficking and Exploitation Centre
- IV.Scottish Just Law Centre

We work by building collaborative social justice models, working in partnership with third-sector and statutory partners in Scotland, UK, Europe and internationally with the shared aim of increasing access to justice and reducing inequality.

This year, for example, we, and our third sector partners have provided free, confidential, impartial legal advice to thousands of people on issues ranging from advice and support to women and children fleeing domestic violence, to people facing homelessness and destitution, to people facing sexual harassment in employment or discrimination because of disability.

Each of our legal centres receives some of its funding from public sources, and as is true for many charities, we operate in a mixed funding environment. As such, differentiating between areas of our work that are publicly funded and those funded through grants from private charitable trusts and foundations, in response to a FoI request, could be challenging.

### JustRight Scotland

JustRight Scotland is a Scottish Charitable Incorporated Organisation (SC047818) which provides legal services through its limited liability partnership, JustRight Scotland LLP which trades as JustRight Scotland (SO305962). This firm has been authorised to act as solicitors by the Law Society of Scotland (Registered No 53703). Our Registered Office is: Room 1, 1st Floor, Libertas House, 39 St Vincent Place, Glasgow, G1 2ER.

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In common with many charities, our publicly funded work also tends to be leanly funded, with budgets just covering all the costs associated with running each project.

At present, we are concerned that a gateway clause that broadly extends FoI to charitable organisations without taking a tailored approach could carry substantial financial implications for us, like allocating funding to training and support or recruitment of FoI officers, without additional funds in place.

Therefore, whilst we welcome proposals for bringing bodies within the scope of FoISA, we recommend that any reforms carry clear definitions to ensure third-sector organisations have early clarity on the scope of the proposals and their potential impact.

We are aware that the Scottish Government's focus would most likely be on contracts outsourced through commissioning and procurement but note that there is still scope that a broad or untested definition could yield conflicting interpretations that could cause uncertainty or confusion for organisations such as ours.

We also submit that any changes to the organisations covered by FoI legislation should be made with a review of the mechanisms for identifying and responding to vexatious requests, to ensure that these are adequate to protect third-sector organisations from harm through abuse of these processes.

We highlight that JustRight Scotland, like many third-sector organisations, provides vital services to some of the most marginalised and vulnerable groups in our society, including in areas such as gender-based violence, trans, and LGBTQ+ rights and immigration. We are concerned, based on recent experience, that any extension in our obligations to provide information in response to FoI requests, be subject to appropriate safeguards to protect us against targeting by vexatious requests, with the aim of draining our resources, obstructing service delivery or silencing our organisation and our partnerships.

We recognise that FoI legislation needs to keep up with the dynamic nature of public service delivery. Nonetheless, we have concerns about creating a gateway clause for bringing bodies within the scope of FoISA automatically based on their functions or receipt of public funds, and instead would support a reform that takes a more tailored and proportionate approach to expanding information rights within the charitable sector.

For further information, please contact JustRight Scotland at:  
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