



Scottish Information
Commissioner
It's public knowledge

Scottish Government COVID Inquiry Establishment Division

Sent by email to:
COVID-19publicinquirysetupteam@gov.scot

16 September 2021

Dear sir / madam,

COVID-19 Public Inquiry – response to invitation to provide input

Thank you for the opportunity to comment on the Aims and Principles paper for the Covid-19 Public Inquiry.

As Scottish Information Commissioner, I am the independent officeholder responsible for enforcing and promoting Scotland's Freedom of Information (FOI) laws.

As you may be aware, in addition to individual enforcement activities (from investigating specific cases where applications are made to me, to conducting interventions with individual public authorities where their performance falls short of required standards) I have been undertaking my own review of the impact of Covid-19 on FOI in Scotland. I [laid my first 'special report' on this before the Scottish Parliament in 2020](#) which examined the initial impact, and will do the same later this year with a second follow-up report taking a wider, more qualitative approach.

While I am certain the final terms of reference of the Inquiry will have due regard of the independent roles and jurisdictions of bodies such as the Scottish Information Commissioner, I am aware that some decisions made or interventions taken by me in my role, particularly those relating to information on Covid-19 and care homes, may be of evidential interest to the Inquiry. I look forward to engaging with the Inquiry on such matters if it considers it useful.

Yours faithfully,

Daren Fitzhenry
Scottish Information Commissioner

