

PE1538/A

Petitioner Letter of 24 November 2014

**SPICe Briefing for PE01538
Comments of Accountability Scotland**

The briefing paints a rosy picture of SPSO investigations, but does so partly by quoting vague generalities (e.g. “provide an update”, “opportunity to come back to us and discuss” etc) rather than referring to correspondence.

Some points are missing from the briefing, hopefully because they are clearly made in the petition. Thus, there is no mention of the phrase “in private” nor any discussion of the apparent confusion in the SPSO office regarding this issue.

However, there is one very serious omission:

In regard to Section 19(1) of the SPSO Act, we wrote “The appeal to Section 19(1) thus appears to be spurious”. In the briefing there is no mention of the relevant words, while the irrelevant Subsections are quoted in full. Here is what the Act says:

19 Confidentiality of information

(1) Information obtained by the Ombudsman or any of the Ombudsman’s advisers in connection with any matter in respect of which a complaint or a request has been made must not be disclosed except for any of the purposes specified in subsection (2) or as permitted by subsection (3).

(2) Those purposes are—

(a) the purposes of—

(i) any consideration of the complaint or request (including any statement under section 11),

(ii) any investigation of the matter (including any report of such an investigation),

The SPSO should welcome greater freedom to investigate adequately and effectively, and he has not provided any arguments for avoiding transparency.