

Why is the Scottish Parliament so open compared to the quangos it has created?

Description

Last Wednesday I published a short post ([see here](#)) informing readers that Dave Morris, Gordon Bulloch and I were giving evidence that morning to the Scottish Parliament's Public Audit Committee (PAC) on the funicular railway at Cairn Gorm. The short notice and whether you were available to watch at the time didn't matter as anyone who wishes can watch us on Scottish Parliament TV see what happened and reach their own conclusions ([see here](#) - we are on at 11am).

If you prefer you can read the official record of the session, which is due to be published today, or you can read the minutes which were published the day after the meeting to find out what was decided in both public and private session. In the case of the PAC last Wednesday, the minute records that under Item 6, which was held in private session ([see here](#)), *The Committee considered the evidence heard at agenda item 3 [i.e. where we spoke] and agreed to draft a report.* The minute may be brief but it is very helpful - it indicates that the PAC is not looking for more evidence about the funicular but now believes it is in a position to end its mini-inquiry.

The contrast between how the Scottish Parliament and the Loch Lomond and Trossachs National Park Authority (LLTNPA) operate is striking. While the LLTNPA have since Covid broadcast board meetings, they remove the recordings from the internet as soon as the meeting is over. This means only those who were able to view it at the time - a handful of people at most - know who said what or what happened. The draft minutes of meetings are then not published until a week before the next meeting. Since the main board meets quarterly, this means almost no member of the public can find out what happened until 12 weeks later. News releases highlighting decisions made by the Board are rare and done for show, for example when the LLTNPA announced the board decision to reject the Flamingo Land planning application ([see here](#)).

Although there were no journalists present at the PAC last Wednesday, in the afternoon Radio Scotland featured a report of the session which included a film clip of the evidence Gordon gave. When the PAC publishes the findings of their inquiry into the funicular, if the BBC wanted to feature further clips from the evidence sessions, it would be easy for them to do so. The way the Scottish Parliament operates facilitates journalism. Contrast that with the LLTNPA where no footage is available of the Board Meeting which rejected the Flamingo Land planning application on flimsy grounds ([see here](#)).

I have now made three separate Freedom of Information requests for recordings of LLTNPA board meetings and a subsequent one to the Ethical Standards Commission. It's important that people understand what is going on, the implications for democracy and the need for reform.

The LLTNPA's response to FOI requests for recordings of board meetings

My first request was made on 10th June 2024. I wrote to Dr Heather Reid, the Convener of the LLTNPA, requesting a copy of the recording of the Board meeting today before it is discarded. I

had been caught up in other matters and only started viewing the meeting as Dr Reid was trying to silence Sid Perrie, the locally elected member for Balloch, from expressing concerns. I was concerned by what I witnessed but wanted to view the exchanges which had led up to it, hence my information request.

A nameless person (or was it AI?) from "Information Management" refused my request claiming the contents of the recording constituted personal data under the Data Protection Act and that they had not asked the permission of board members to make this "personal" information public. Contrast that with the Scottish Parliament where no-one asked the three of us for permission before broadcasting the evidence we gave last Wednesday. If it is lawful for the Scottish Parliament to make available their recordings without the permission of individuals concerned, that must also be the case for the LLTNPA. Indeed, the LLTNPA has been live-streaming its meetings without ever asking permission from its board members, the issue is that it does not wish to make those recordings publicly available afterwards as a matter of public record.

I requested a review and Douglas Smith, the LLTNPA's corporate performance manager, responded on 2nd August 2024 [FOI 2024-024 REVIEW Response](#) confirming the Park's refusal to release the information. He argued that since the participants at the board meeting had not consented to the recording, providing a copy would "contravene a data protection principle" namely that of lawfulness, fairness and transparency. This is like something out of Animal Farm, covering up something makes it more transparent!

Because what I most wanted was the part of the recording that covered the exchanges between Sid Perrie and Heather Reid, I decided to try playing the LLTNPA at their own game and asked both of them for their permission to release the information:

From Nick Kempe 

To convener@lochlomond-trossachs.org 

Cc Information Management , Jackie Baillie , Gosal P (Pam), MSP , Evelyn Tweed MSP , Jonathan.Mccoll@west-dunbarton.gov.scot 

Subject **Recording of exchanges between you and Mr Perrie at Board Meeting on 10th June**

Dear Dr Reid,

Following my email earlier today, I contacted Mr Perrie to ask if he would consent to release the recording of two of you at the Board Meeting on 10th June during the discussion on the implications of the revised recording. He has granted his consent and I have copied this email into Information Management as well as local political parties. I look forward to your response.

Yours Sincerely,

Nick Kempe

----- Forwarded Message -----
Subject:Re: Consent to release of "personal information" in recording of Board Meeting of 10th June 2024
Date:Thu, 29 Aug 2024 12:16:01 +0000
From:Sid Perrie <surfinsid@msn.com>
To:Nick Kempe <nickkempe1@gmail.com>

Dear Mr Kempe

I would gladly give my consent to consent to the release of any personal information about me, as defined by the recording of Board Meeting on 10th June 2024

A S Perrie

Extract from emails

As you can see Sid Perrie agreed, he has never tried to cover up anything he has done or said, but Dr Reid failed to reply. She never does. Perhaps the staff who control her emails never showed her my request? Or perhaps Dr Reid was too busy preparing the complaint she submitted to the Ethical Standards Commission on 30th August? This was about the six emails Sid Perrie had sent her between 26th and 28th August about the Flamingo Land Planning Application ([see here](#)).

Unfortunately I then got caught up looking at the decision to refuse the Flamingo Land application and other things and failed to appeal to the Scottish Information Commissioner in time.

My second request was made a year later and was about the recording of the board meeting of 9th June 2025. This time I resolved to see the process through. My request was refused for similar reasons as the previous year [FOI 2025-022 Response](#):

as the video recording contains the personal information of multiple individuals who have not consented to their data being processed in this way (i.e. they have not consented to a permanent recording of their names, images and voices being made permanently available in video format), we believe disclosure would contravene the data protection principle that information must be processed lawfully, fairly and transparently.

In asking the LLTNPA to review this decision [FOI 2025-022 Review Request 11-7-25](#) I pointed out that in England the *Openness of Local Government Regulations 2014* allow any member of the public to record and broadcast public meetings in England and quoted the following statement from a House of Commons briefing:

Council meetings are public meetings. Elected representatives and council officers acting in the public sphere should expect to be held to account for their comments and votes in such meetings. The rules require councils to provide reasonable facilities for any member of the public to report on meetings. Councils should thus allow the filming of councillors and officers at meetings that are open to the public.

The Data Protection Act does not prohibit such overt filming of public meetings.

While permitting the public to film meetings is more limited than requiring public authorities to do so, in terms of data protection law the issues would appear to be the same. The position in England suggests no permission is required from participants in public meetings for recordings of them to be made widely available.

The LLTNPA's response on 8th August [Review Response FOI-2025-022](#) ignored this evidence and argued that opinions expressed in the course of performing a public duty are personal data and therefore they would have to redact the recording before releasing it (even though they had previously invited me to view it in their offices!). No attempt was made to explain why LLTNPA board members are so different from MSPs (or indeed councillors in local authorities many of whose meetings are broadcast).

Note too the claim, which was soon to be contradicted, that *these recordings are used to assist with the production of meeting minutes and are routinely destroyed upon completion of this task.*

My third request was the recording of the next board meeting which took place on 15th September. I received a short response [FOI 2025-037 Response](#) from a nameless bureaucrat on 1st October :

The National Park Authority does not hold a video (or audio) recording of the Board meeting which took place on 15 September 2025.

As you will be aware as a result of the similar information requests you reference in the above request, the National Park Authority's Board meetings have generally been broadcast live over the internet in recent years and a copy of the recording kept for a short period of time for the purpose of assisting the minute-taker with the production of the meeting minutes (which are subsequently published on our website).

The provider we use to live-broadcast meetings has changed following the expiration of our contract and meetings are no longer recorded by default.

This appears to a deliberate attempt to pre-empt the Scottish Information Commissioner and prevent the LLTNPA having to publish recordings of board meetings in future. So much for the LLTNPA's Code of Conduct for Board Members which states:

Openness

I have a duty to be as open as possible about my decisions and actions, giving reasons for my decisions and restricting information only when the wider public interest clearly demands

In my view, if board members and senior staff are not prepared to be recorded when performing a public function they should not be in post.

I submitted my appeal to the LLTNPA's refusal of my second information request to the Information Commissioner on 31st December. It will be interesting to see how they respond.

The recording of the June 2024 Board Meeting and the Ethical Standards Commission

As regular readers will know I have been trying to support Sid Perrie, the locally elected member for Balloch, in the complaint made against him by Heather Reid (link above and [here](#), [here](#) and [here](#)) and decided to try and get the Ethical Standards Commission (ESC) to consider the way he had been treated. I therefore submitted a complaint about the way Heather Reid had appeared to shut down Sid at the June 2024 Board Meeting, on the anniversary of the meeting the last date for doing so. (Complaints to the ESC are supposed to be submitted within a year although they have allowed the LLTNPA's Chief Executive Gordon Watson to submit (another) late complaint against Mr Perrie).

I will come back to the ESC's findings about my complaint, which they did not uphold, in a further post. As part of their investigation, however, the LLTNPA provided them with a recording of the board meeting of 24th June 2024. It is interesting how they had kept a copy after claiming recordings were only kept for minuting purposes or until any request for the information had run its course mine had run out several months previously when I missed the deadline to appeal. That provided a second opportunity.

While the ESC decided against my complaint, the content of their report contained some important information, for example that *during the meeting, the Respondent [i.e Dr Reid] interrupted and spoke over Mr Perrie on several occasions on a couple of occasions with a raised voice and a sharp tone*. Having, as I explained above, missed most of these exchanges, the information was very helpful but I wanted other people to be able to judge whether the ESC was right to conclude Dr Reid's behaviour was justified. I therefore asked them for a copy of the recording.

The ESC responded by email on 29th October [Refusal FOI request 29th October 2025](#) refusing me on the following grounds:

We obtained this evidence using our powers under [section 13 of the Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#). As such there is a quality of confidentiality around such material. Releasing evidence provided to us would seriously affect how we would be able to operate in future.

It is clear that in many instances witnesses and respondents would feel inhibited in meaningfully engaging with us if they knew that every aspect of their evidence and opinions might be made public. This lack of engagement would undermine our statutory functions, and this would impair and ultimately undermine the investigation process.

Comment: This seems extraordinary. How can what was said at a meeting the LLTNPA was required by law to hold in public be claimed to be confidential?

I therefore asked the ESC to review their decision, highlighting the fact that *if the LLTNPA after broadcasting meetings kept those videos on their website it would make it EASIER for the ESC to investigate allegations in future. You could simply refer to the public video. That also would facilitate one of the main ethical principles for conduct in public life, transparency.*

The ESC's response [Review response 5th December 2025](#) was to repeat their original reasons for refusing my request but to add in a couple more:

Permission was not sought from the participants and members of the public to publish the recording. The recording is held for the sole purpose of preparing the minutes.

Sound familiar? It appears the ESC consulted the LLTNPA as a result of my review request and added what park staff told them as reasons for refusing my information request! This shows how supposedly independent public authorities are working together behind the scenes against the public interest. It also raises questions about what secret conversations may have taken place between the ESC and the LLTNPA in the case of their one-sided investigation into the complaint against Sid Perrie?

Meeting recordings and the Standards Commission

Last week Alannah Maurer and myself met the Standards Commission for a pre-meeting in the case of Sid Perrie which is scheduled to be heard on 10th February. Sid is off sick with stress as a result of the way he has been treated by the LLTNPA and ESC.

We made a number of requests to the panel member present, Morag Ferguson, one of which was that any hearing into the case against Sid Perrie (we are currently seeking an adjournment on health grounds) should be broadcast. While the Hearing Rules drawn up by Standards Commission allow them to hold the Hearing online and livestream it Ms Ferguson stated that they only broadcast online hearings and would not do so for hearings held in person. This allows the Standards Commission to tick a box and say the hearings, as provided for in the legislation, are held in public, while ensuring as few people as possible see how they operate.

So much for the transparency which the Standards Commission was set up to uphold.

Discussion

This post has explained at some length just how resistant the LLTNPA, and the bodies ostensibly responsible for ensuring they operate in an ethical manner, are to operating in a transparent manner. Much bureaucratic time and effort is spent by all these bodies preventing the public from seeing how they operate and make decisions. Generally it works, in my case I have been worn down too often.

In my view this poses a fundamental threat to democracy. Democracy is dependent on transparent decision-making and providing for this should really be quite simple. Now that technological developments have made recording and broadcasting of meetings cheap and easy, all decision-making meetings of public authorities should be recorded and, except where these are justifiably held in confidential session, broadcast with those recordings publicly available (as they are with the Scottish Parliament). That would ensure the facts are on record and help spread disinformation, whether from the public authorities concerned or the public.

The Nolan principles ([see here](#)), which were created after the cash for questions scandal in 1994, also put it quite simply in their fifth principle, Openness:

“Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.”

The LLTNPA and ESC have basically been trying to use data protection law to undermine the Nolan Principles and undermine democracy. They need to be stopped. I hope the Information Commissioner will do so through the appeal process. The LLTNPA, however, is clearly trying to avoid the consequences of any decision by the Information Commission by ceasing to record board meetings. It should be a priority of the next Scottish Parliament therefore to legislate to require public authorities to adopt similar practices to those which govern how it operates: meetings should be recorded and broadcast, minutes issued promptly and other information, such as evidence submitted to consultations etc, also published promptly.

Category

1. Loch Lomond and Trossachs

Tags

1. Governance
2. LLTNPA
3. scottish parliament

Date Created

January 20, 2026

Author

nickkempe