



Scottish Information
Commissioner
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Decision Notice 265/2024

Spend on meetings, events and venue usage – failure to respond

Applicant: The Applicant

Authority: Highland Council

Case Ref: 202401401

Summary

The Applicant asked the Authority for a breakdown (over the last five years) of the spend by the Authority on meetings, events and venue usage. This decision finds that the Authority failed to respond to the requirement for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

Background

1. The Applicant made an information request to the Authority on 17 May 2024.
2. The Authority responded to the information request on 31 July 2024.
3. On 16 September 2024, the Applicant wrote to the Authority requiring a review of its decision.
4. The Applicant did not receive a response to their requirement for review.
5. The Applicant wrote to the Commissioner on 18 October 2024, stating that they were dissatisfied with the Authority's failure to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
6. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.

Investigation

7. Section 49(3)(a) of FOISA requires the Commissioner to notify public authorities of an application and to give them an opportunity to comment. The Commissioner did this on 28 October 2024.
8. The Commissioner received submissions. These submissions are considered below.
9. The Authority accepted that it had not responded to the Applicant's requirement for review within the timescale allowed by FOISA.
10. The Authority explained that, due to changes to its organisational structure, the team that deals with information requests had been left short staffed due to a staff member going on secondment. However, the Authority explained that the changes would allow the opportunity for wider improvements to be made to the team that deals with information requests.
11. The Authority stated that it will issue a review response, but it has yet to do so.
12. Section 21(1) of FOISA gives Scottish public authorities a maximum of 20 working days following the date of receipt of the requirement to comply with a requirement for review. This is subject to qualifications which are not relevant in this case.
13. It is a matter of fact that the Authority did not provide a response to the Applicant's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
14. The remainder of section 21 of FOISA sets out the requirements to be followed by a Scottish public authority in carrying out a review. As no review has been carried out in this case, the Commissioner finds that the Authority failed to discharge these requirements: he now requires a review to be carried out in accordance with section 21.
15. The Commissioner recommends that the Authority considers whether it would be appropriate to apologise to the Applicant for its failure to comply.

Decision

The Commissioner finds that the Authority failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in dealing with the information request made by the Applicant.

In particular, the Authority failed to respond to the Applicants' requirement for review within the timescale laid down by section 21(1) of FOISA. The Commissioner requires the Authority to provide the Applicant with a response to their requirement for review, by **6 January 2025**.

Appeal

Should either the Applicant or the Authority wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

Enforcement

If the Authority fails to comply with this decision, the Commissioner has the right to certify to the Court of Session that the Authority has failed to comply. The Court has the right to inquire into the matter and may deal with the Authority as if it had committed a contempt of court.

Cal Richardson
Deputy Head of Enforcement

21 November 2024