



Scottish Information
Commissioner
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Decision Notice 004/2025

Fire safety figures – failure to respond

Applicant: The Applicant

Authority: Scottish Fire and Rescue Service

Case Ref: 202401543

Summary

The Applicant asked the Authority for various pieces of information about fire safety issues. 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 30 August 2024.
2. The Authority responded to the information request on 25 September 2024.
3. On 30 September 2024, the Applicant wrote to the Authority requiring a review of its decision.
4. The Applicant did not receive a response to his requirement for review.
5. The Applicant wrote to the Commissioner on 21 November 2024, stating that he was dissatisfied with the Authority's failure to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.

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

6. 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 16 December 2024.
7. The Commissioner received submissions from the Authority on 31 December 2024. These submissions are considered below.
8. The Authority confirmed that it had received the requirement for review. It explained that due to staff resources and the current high volume of requests being received, this resulted in a late response being issued to the Applicant.
9. 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.
10. 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.
11. The Authority responded to the Applicant's requirement for review on 4 December 2024. As a consequence, the Commissioner does not require it to take any further action in relation to the Applicant's application.
12. The Commissioner notes that the Authority apologised 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 Applicant's requirement for review within the timescales laid down by section 21(1) of FOISA. Given that the Authority has now responded to the Applicant's requirement for review, he does not require the Authority to take any action.

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.

Jill Walker
Deputy Head of Enforcement

15 January 2025