



Scottish Information
Commissioner
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Decision Notice 015/2025

Locum pay and Clinical Fellow contracts – failure to respond

Applicant: The Applicant

Authority: Greater Glasgow and Clyde Health Board

Case Ref: 202401578

Summary

The Applicant asked the Authority for information about locum pay and Clinical Fellow contracts. This decision finds that the Authority failed to respond to the Applicant's request and requirement for review within the timescales allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

Background

1. The Applicant made an information request to the Authority on 26 September 2024.
2. The Authority did not respond to the information request.
3. On 1 November 2024, the Applicant wrote to the Authority requiring a review in respect of its failure to respond.
4. The Applicant did not receive a response to her requirement for review.
5. The Applicant wrote to the Commissioner, stating that she 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.
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 4 December 2024.

8. The Commissioner received submissions from the Authority. These submissions are considered below.
9. The Authority accepted that it had failed to respond to the Applicant's request and requirement for review within the timescales allowed by FOISA.
10. The Authority explained that the delay in responding was due to dealing with a large backlog of requests as well as continuing to receive a consistently high volume of requests, many of which were complex in nature.
11. The Authority stated that it had experienced difficulties in sourcing the information due to an influx of requests for information of the nature requested by the Applicant. It explained it was working on ways to either proactively publish datasets or produce an easier and consistent way of reporting such information.
12. Section 10(1) of FOISA gives Scottish public authorities a maximum of 20 working days following the date of receipt of the request to comply with a request for information. 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 request for information within 20 working days, so the Commissioner finds that it failed to comply with section 10(1) of FOISA.
14. 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. Again, this is subject to qualifications which are not relevant in this case.
15. 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.
16. The Authority responded to the Applicant's requirement for review on 18 December 2024, so the Commissioner does not require it to take any further action in relation to the Applicant's application.
17. 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, he finds that the Authority failed to respond to the Applicant's request for information and requirement for review within the timescales laid down by sections 10(1) and 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 in response to the Applicant's application.

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.

Wendy Snedden
Freedom of Information Officer

24 January 2025