

Decision Notice

Decision 012/2018: Mr Mark Irvine and Glasgow City Council

Corporate Management Team Minutes: failure to respond within statutory timescales

Reference No: 201702257

Decision Date: 31 January 2018



Scottish Information
Commissioner

Summary

Glasgow City Council (the Council) was asked for minutes of meetings compiled by the Council's Corporate Management Team, for the period between December 2006 and December 2016. This decision finds that the Council failed to respond to the requirement for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

Background

Date	Action
12 October 2017	Mr Irvine made an information request to the Council.
8 November 2017	The Council responded to the information request.
9 November 2017	Mr Irvine wrote to the Council, requiring a review of its response.
	Mr Irvine did not receive a response to his requirement for review.
14 December 2017	Mr Irvine wrote to the Commissioner's Office, stating that he was dissatisfied with the Council's failure to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
16 January 2018	The Council was notified in writing that an application had been received from Mr Irvine and was invited to comment on the application.
29 January 2018	The Commissioner received submissions from the Council. These submissions are considered below.

Commissioner's analysis and findings

1. 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.
2. It is a matter of fact that the Council did not provide a response to Mr Irvine's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
3. The Council confirmed that Mr Irvine's requirement for review had been received. It explained that the requirement had not been responded to because it had been quarantined as "spam" by the Council's IT Department. It explained that such an email is held for 14 days and then deleted.
4. The Council confirmed that its IT Department had taken steps to resolve the technical issue relating to the FOI Review Team's mailbox, to prevent emails being lost in this way in future.
5. Having logged Mr Irvine's requirement for review on receipt of a further email from him on 8 December 2017, the Council confirmed that it responded to the requirement for review on 11 January 2018. The Council provided the Commissioner with a copy of the review outcome

on 29 January 2018. The Commissioner does not, therefore, require it to take any further action in relation to Mr Irvine's application.

6. The Commissioner notes that the Council has apologised to Mr Irvine for its failure to respond.

Decision

The Commissioner finds that Glasgow City Council (the Council) failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information request made by Mr Irvine. In particular, the Council failed to respond to Mr Irvine's requirement for review within the timescale laid down by section 21(1) of FOISA.

The Commissioner does not require the Council to take any action in respect of this failure, in response to Mr Irvine's application, given that a response was issued on 11 January 2018.

Appeal

Should either Mr Irvine or Glasgow City Council 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.

Euan McCulloch
Deputy Head of Enforcement

31 January 2018

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