

Decision Notice

Decision 015/2015: Mr Callum Liddle and Pickaquoy Centre Trust

Freedom of information requests: failure to respond within statutory timescales

Reference No: 201500014

Decision Date: 03 February 2015



Scottish Information
Commissioner

Summary

On 7 September 2014, Mr Liddle asked Pickaquoy Centre Trust (the Trust) for information about its management of Freedom of Information requests. This decision finds that the Trust failed to respond to the request within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA). The decision also finds that the Trust failed to comply with Mr Liddle's requirement for review within the timescale set down by FOISA.

As a review response has now been issued, the Commissioner does not require any further action on the part of the Trust.

Background

Date	Action
7 September 2014	Mr Liddle made an information request to the Trust. The Trust is a Scottish public authority as defined in The Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2013.
	The Trust did not respond to the information request.
20 November 2014	Mr Liddle wrote to the Trust, requiring a review in respect of its failure to respond.
	Mr Liddle did not receive a response to his requirement for review.
4 January 2015	Mr Liddle wrote to the Commissioner's Office, stating that he was dissatisfied with the Trust's failures to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
22 January 2015	The Trust was notified in writing that an application had been received from Mr Liddle and was invited to comment on the application.
27 January 2015	The Trust responded to Mr Liddle's requirement for review. It provided the Commissioner with evidence of this.

Commissioner's analysis and findings

1. 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.
2. It is a matter of fact that the Trust did not provide a response to Mr Liddle's request for information within 20 working days, so the Commissioner finds that it failed to comply with section 10(1) of FOISA.
3. 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.

4. It is a matter of fact that the Trust did not provide a response to Mr Liddle's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
5. The Trust responded to Mr Liddle's requirement for review on 27 January 2015. As a review response was provided during the investigation the Commissioner does not require the Trust to take any further action in relation to Mr Liddle's application.

Decision

The Commissioner finds that Pickaquoy Centre Trust (the Trust) failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information request made by Mr Liddle. In particular, the Trust failed to respond to Mr Liddle's request for information and requirement for review within the timescales laid down by sections 10(1) and 21(1) of FOISA.

The Commissioner does not require the Trust to take any action in respect of these failures, in response to Mr Liddle's application, given that a review response has now been issued.

Appeal

Should either Mr Liddle or the Pickaquoy Centre Trust 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

03 February 2015

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