

Decision Notice

Decision 032/2017: Mr Robert M Patterson and the Keeper of the Registers of Scotland

Correspondence related to changes to a property title: failure to respond within statutory timescales

Reference No: 201602308

Decision Date: 10 March 2017



Scottish Information
Commissioner

Summary

On 24 September 2016, Mr Patterson asked the Keeper of the Registers of Scotland (the Keeper) for information about changes to a property title. This decision finds that the Keeper failed to respond to the requirement for review within the timescales allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

Background

Date	Action
24 September 2016	Mr Patterson made an information request to the Keeper.
27 October 2016	The Keeper responded to the information request.
06 November 2016	Mr Patterson wrote to the Keeper requiring a review of its decision.
	Mr Patterson did not receive a response to his requirement for review.
16 December 2016	Mr Patterson wrote to the Commissioner's Office, stating that he was dissatisfied with the Keeper's failure to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
24 January 2017	The Keeper was notified in writing that an application had been received from Mr Patterson and was invited to comment on the application.
10 February 2017	The Commissioner received submissions from the Keeper. 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 Keeper did not provide a response to Mr Patterson'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 Keeper acknowledged that it had received Mr Patterson's requirement for review and accepted that it had failed to respond. It explained that this failure was due to an administrative oversight. The Keeper stated that it had reviewed its internal procedures to ensure this did not happen again.
4. The Keeper responded to Mr Patterson's requirement for review on 3 February 2017, so the Commissioner does not require it to take any further action in relation to Mr Patterson's application.

5. The Commissioner notes that the Keeper has apologised to Mr Patterson for its failure to comply.

Decision

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

The Commissioner does not require the Keeper to take any action in respect of this failure, in response to Mr Patterson's application, given that a response has now been issued.

Appeal

Should either Mr Patterson or the Keeper of the Registers of Scotland 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

10 March 2017

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews, Fife
KY16 9DS

t 01334 464610

f 01334 464611

enquiries@itspublicknowledge.info

www.itspublicknowledge.info