

Decision Notice 032/2021

Sectarian motivated false allegations of child sexual abuse – failure to respond

The Applicant

Public authority: Dundee City Council

Case Ref: 202001506 and 2020001507



Scottish Information
Commissioner

Summary

On 24 September 2020 the Applicant asked Grove Academy and Victoria Park Primary School, both in the catchment area of Dundee City Council (the Council), for information regarding any and all sectarian motivated false allegations of child sexual abuse raised against any Catholic priest by any persons aged 0 – 15 years of age, or any staff member, or any adult other than a staff member on behalf of a child, at the schools over a specified time period.

This decision finds that the Council failed to respond to the requests and requirement for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

As the Council subsequently provided a review response the Commissioner does not require it to take any action in relation to this breach.

Background

1. The Applicant made information requests to the Council on 24 September 2020.
2. The Council did not respond to the information requests.
3. On 30 October and 12 November 2020, the Applicant wrote to the Council requiring a review of its failures to respond.
4. The Applicant did not receive a response to their requirements for review.
5. The Applicant wrote to the Commissioner on 14 December 2020, stating that they were dissatisfied with the Council's failure to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
6. On 3 February 2021, the Council was notified in writing that an application had been received from the Applicant and was invited to comment on the application.
7. The Council responded to the Commissioner on 22 February 2021 and provided him with a copy of the review response issued to the Applicant. The response included the Council's apologies for not responding to the requests and requirements for review timeously.

Commissioner's analysis and findings

8. 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.
9. As the Council did not provide a response to the Applicant's requests for information within 20 working days, the Commissioner finds that it failed to comply with section 10(1) of FOISA.
10. 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.
11. As the Council did not provide a response to the Applicant's requirements for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
12. [As] noted above, the Council provided a review response to the Applicant on 22 February 2021.

Decision

The Commissioner finds that the Council failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2020 (FOISA) in dealing with the information requests made by the Applicant. In particular, the Council failed to respond to the Applicant's requests for information and requirements for review within the timescales laid down by sections 10(1) and 21(1) of FOISA.

As a review response and an apology has now been provided to the Applicant, the Commissioner does not require the Council to take any further action in this case.

Appeal

Should either the Applicant or the 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.

Claire Stephen
Deputy Head of Enforcement

15 March 2021

Scottish Information Commissioner

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