



Scottish Information
Commissioner

**Decision 042/2008 Mr Euan Henderson and Glasgow
City Council**

***Failure to respond to a request for information and a request
for review within prescribed timescales***

**Applicant: Mr Euan Henderson
Authority: Glasgow City Council
Case No: 200800258
Decision Date: 26 March 2008**

**Kevin Dunion
Scottish Information Commissioner**

Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS



Decision 042/2008 – Mr Euan Henderson and Glasgow City Council

Failure to respond to information request and request for review within the statutory timescale set out in the Freedom of Information (Scotland) Act 2002 (FOISA)

Facts

1. Mr Euan Henderson made a request for information to Glasgow City Council (the Council) by email on 10 December 2007.
2. Section 10(1) of FOISA gives authorities a maximum of 20 working days following receipt of an information request to respond to that request.
3. Mr Henderson did not receive a response to his request and on 17 January 2008, emailed the Council again asking it to review its failure to respond to his initial request.
4. Section 21(1) of FOISA gives authorities a maximum of 20 working days following receipt of the requirement to comply with a requirement for review.
5. The Council also failed to respond to Mr Henderson's second email and, on 21 February 2008, Mr Henderson submitted an application to the Commissioner for a decision in this matter.
6. The application was validated by establishing that Mr Henderson had made a valid information request to a Scottish public authority and had appealed to the Commissioner only after asking the authority to review its failure to respond to his request. The case was subsequently allocated to an investigating officer.
7. On 28 February 2008, the Commissioner notified the Council, in terms of section 49(3)(a) of FOISA, of the application made by Mr Henderson and asked for its comments on the application.
8. The Council responded on 12 March 2008. It acknowledged that it had failed to respond to Mr Henderson's initial request within the 20 working day timescale. The Council also acknowledged that it had failed to respond to his request for review within the prescribed timescale.



9. The Council stated that an investigation had been conducted into the matter. The Council advised this Office that the Service Department in question had been experiencing a high volume of correspondence relating to the information being sought by Mr Henderson. On checking its records, it was discovered that Mr Henderson's requests had not been allocated to the Officer designated to attend to requests under FOISA.
10. The Council went on to explain that (at the date of its letter of 12 March 2008), a response was being prepared for issue to Mr Henderson by 18 March 2008. The Council also apologised for the administrative oversight which resulted in its failure to respond appropriately to Mr Henderson's requests.
11. The Council subsequently sent its response to Mr Henderson's request for information to him on 18 March 2008. The Council has apologised to Mr Henderson for its failure to respond to his requests.

Decision

The Commissioner finds that the Council failed to respond to Mr Henderson's request for information within the 20 working days allowed by section 10(1) of FOISA.

The Commissioner also finds that the Council failed to respond to Mr Henderson's request for review within the 20 working days allowed by section 21(1) of FOISA.

In failing to comply with these timescales the Council failed to comply with Part 1 of FOISA.

The Commissioner notes that the Council has subsequently responded to Mr Henderson's request for information and therefore does not require it to take any further steps.

Appeal

Should either Mr Henderson or the Council wish to appeal against this decision, there is an 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 notice.



Claire Sigsworth
Deputy Head of Investigations