

Decision Notice

Decision 111/2014 Greg Christison and the Scottish Ministers

Cost of First Minister's trip to China: failure to respond within statutory timescales

Reference No: 201400947

Decision Date: 23 May 2014



Scottish Information
Commissioner

Summary

On 8 January 2014, Mr Christison asked the Scottish Ministers (the Ministers) for information about the total cost incurred on the First Minister's trip to China. This decision finds that the Ministers 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 Ministers failed to comply with Mr Christison's requirement for review within the timescale set down by FOISA.

Background

Date	Action
8 January 2014	Mr Christison made an information request to the Ministers.
9 January 2014	Mr Christison was sent an acknowledgement. He did not receive any further response to the request.
27 March 2014	Mr Christison wrote to the Ministers, requiring a review in respect of their failure to respond.
3 April 2014	Again, although Mr Christison received an acknowledgement to his requirement for review, he did not receive a response to the requirement.
2 May 2014	Mr Christison wrote to the Commissioner's Office, stating that he was dissatisfied with those failures and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
19 May 2014	The Ministers were notified in writing that an application had been received from Mr Christison and were invited to comment on the application.

Commissioner's analysis and findings

1. On 20 May 2014, Mr Christison informed the Commissioner that he received a response to his requirement for review on 8 May 2014. A copy of the response was provided to the Commissioner.
2. The Ministers were informed of this update. They acknowledged that they had failed to respond to Mr Christison's request and requirement for review within the statutory timescales and apologised for this.
3. 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.
4. It is a matter of fact that the Ministers did not provide a response to Mr Christison's request for information within 20 working days, so the Commissioner finds that they failed to comply with section 10(1) of FOISA.
5. 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.

6. It is a matter of fact that the Ministers did not provide a response to Mr Christison's requirement for review within 20 working days, so the Commissioner finds that they failed to comply with section 21(1) of FOISA.
7. Given that the Ministers responded to Mr Christison's requirement for review on 8 May 2014, the Commissioner does not require them to take any further action in relation to Mr Christison's application.

Decision

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

Given that the Ministers have now responded to Mr Christison's requirement for review, the Commissioner does not require the Ministers to take any action in respect of these failures, in response to Mr Christison's application.

Appeal

Should either Mr Christison or the Scottish Ministers 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
23 May 2014

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