

# Decision Notice

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## **Decision 125/2015: Ms Peigi MacSween and the Scottish Ambulance Service Board**

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### **Actions following a complaint: failure to respond within statutory timescales**

Reference No: 201501083

Decision Date: 30 July 2015



Scottish Information  
Commissioner

## Summary

On 5 February 2015, Ms MacSween asked the Scottish Ambulance Service Board (the Board) for information about actions taken following a complaint she had raised. This decision finds that the Board failed to comply with Ms MacSween's requirement for review within the timescale set down by FOISA.

## Background

Date	Action
5 February 2015	Ms MacSween made a request for information to the Board.
18 March 2015	The Board responded to the request.
19 March 2015	Ms MacSween wrote to the Board, requiring a review of its decision.
	Ms MacSween did not receive a response to her requirement for review.
10 June 2015	Ms MacSween wrote to the Commissioner's Office, stating that she was dissatisfied with the Board's failure to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
10 July 2015	The Board was notified in writing that an application had been received from Ms MacSween and was invited to comment on the application.
24 July 2015	The Commissioner received submissions from the Board. 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 Board did not provide a response to Ms MacSween'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 Board responded to Ms MacSween's requirement for review on 2 July 2015, so the Commissioner does not require it to take any further action in relation to Ms MacSween's application.
4. The Commissioner notes that the Board, in its email of 2 July 2015, apologised to Ms MacSween for its failure to comply. The Commissioner is still concerned that it took nearly four months to comply with Ms MacSween's requirement for review.

## **Decision**

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The Commissioner finds that the Scottish Ambulance Service Board (the Board) failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information request made by Ms MacSween. In particular, the Board failed to respond to Ms MacSween's requirement for review within the timescale laid down by section 21(1) of FOISA.

The Commissioner does not require the Board to take any action in respect of this failure, in response to Ms MacSween's application, given that it has now issued a review outcome.

## **Appeal**

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Should either Ms MacSween or the Scottish Ambulance Service Board 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**

**30 July 2015**

**Scottish Information Commissioner**

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