

Decision Notice 141/2020

Local Youth Forum – failure to respond

Applicant: The Applicant

Public authority: Falkirk Council

Case Ref: 202001155



Scottish Information
Commissioner

Summary

The Applicant asked Falkirk Council (the Council) for information relating to a local youth forum. This decision finds that the Council 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 Council failed to comply with the Applicant's requirement for review within the timescale set down by FOISA.

Background

1. On 29 June 2020, the Applicant made an information request to the Council.
2. The Council did not respond to the information request.
3. On 4 August 2020, the Applicant wrote to the Council requiring a review of its failure to respond.
4. The Applicant did not receive a response to his requirement for review.
5. The Applicant wrote to the Commissioner, stating that he was dissatisfied with the Council's failures to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
6. On 15 October 2020, the Council were notified in writing that an application had been received from the Applicant and was invited to comment on the application.
7. The Commissioner received submissions from the Council. These submissions are considered below.

Commissioner's analysis and findings

8. The Council acknowledged the Applicant's request and request for review had been received and fully accepted the Applicant did not receive responses within the timescales allowed in FOISA. Following notification of the application from the Commissioner's office, a response was issued to the Applicant.
9. 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.
10. It is a matter of fact that the Council did not provide a response to the Applicant's request for information within 20 working days, so the Commissioner finds that it failed to comply with section 10(1) of FOISA.
11. 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.
12. It is a matter of fact that the Council did not provide a response to the Applicant's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.

13. As the Council responded to the Applicant's requirement for review on 29 October 2020, the Commissioner does not require it to take any further action in relation to the Applicant's application.
14. The Commissioner notes that the Council apologised to the Applicant for its failure to comply.

Decision

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

The Commissioner does not require the Council to take any action in respect of these failures in response to the Applicant's application, given that a response has now been issued.

Appeal

Should either the Applicant or Falkirk 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

6 November 2020

Scottish Information Commissioner

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