

# Decision Notice

---

**Decision 228/2014: Mr Jim Fraser and East Dunbartonshire Council**

---

**Services provided by Celtic Football Club under service level agreement:**

**Failure to respond within statutory timescales**

Reference No: 201402360

Decision Date: 28 October 2014



Scottish Information  
Commissioner

## Summary

On 22 July 2014, Mr Fraser asked East Dunbartonshire Council (the Council) for information about the Council's service level agreement with Celtic FC. 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 Mr Fraser's requirement for review within the timescale set down by FOISA.

## Background

Date	Action
22 July 2014	Mr Fraser made an information request to the Council.
23 July 2014	Although the Council acknowledged the request, it did not respond to Mr Fraser's information request.
31 August 2014	Mr Fraser wrote to the Council, requiring a review in respect of its failure to respond.
1 September 2014	Again, although Mr Fraser received an acknowledgement, he did not receive a response to his requirement for review.
1 October 2014	Mr Fraser wrote to the Commissioner's Office, 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 October 2014	The Council was notified in writing that an application had been received from Mr Fraser and was invited to comment on the application.
20 October 2014	The Commissioner received submissions from the Council. These submissions are considered below.

## Commissioner's analysis and findings

1. 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.
2. It is a matter of fact that the Council did not provide a response to Mr Fraser's request for information within 20 working days, so the Commissioner finds that it failed to comply with section 10(1) of FOISA.
3. 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.
4. It is a matter of fact that the Council did not provide a response to Mr Fraser's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.

5. The Council acknowledged that it had failed to respond to Mr Fraser's information request and requirement for review. It did so on 22 October 2014, so the Commissioner does not require it to take any further action in relation to Mr Fraser's application. Although the Council invited him to do so, it is not necessary for Mr Fraser to request a further review.

## Decision

---

The Commissioner finds that East Dunbartonshire Council failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information request made by Mr Fraser. In particular, the Council failed to respond to Mr Fraser'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 Mr Fraser's application, given that a response has now been provided.

## Appeal

---

Should either Mr Fraser or East Dunbartonshire 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.

**Euan McCulloch**  
**Deputy Head of Enforcement**

**28 October 2014**

**Scottish Information Commissioner**

Kinburn Castle  
Doubledykes Road  
St Andrews, Fife  
KY16 9DS

t 01334 464610

f 01334 464611

[enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

**[www.itspublicknowledge.info](http://www.itspublicknowledge.info)**