

# Decision Notice

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## **Decision 082/2018: Mr C and East Renfrewshire Council**

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### **Information about a business case: failure to respond within statutory timescales**

Reference No: 201800583

Decision Date: 11 June 2018



Scottish Information  
Commissioner

## Summary

On 6 February 2018, Mr C asked East Renfrewshire Council (the Council) for information about a business case. The Council withheld two implementation plans. This decision finds that the Council failed to respond to Mr C's request for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

## Background

Date	Action
6 February 2018	Mr C made an information request to the Council.
23 February 2018	The Council responded to the information request.
18 March 2018	Mr C wrote to the Council requiring a review of its decision.
18 March 2018	Mr C received a reply, but it was too simple to advise him to apply to the Commissioner, instead of providing the outcome of a review. Mr C did not receive a response to his requirement for review.
31 March 2018	Mr C wrote to the Commissioner's Office, stating that he was dissatisfied with the Council's handling of the request and applying to the Commissioner for a decision in terms of section 47(1) of FOISA. The Commissioner has accepted the application on the basis that the Council failed to respond to Mr C's request for review.
16 May 2018	The Council was notified in writing that an application had been received from Mr C and was invited to comment on the application.
4 June 2018	The Commissioner received notification from the Council that it did not wish to comment on the application.

## 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 Council did not provide a response to Mr C'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 Council responded to Mr C's requirement for review on 4 June 2018, so the Commissioner does not require it to take any further action in relation to Mr C's application.

## **Decision**

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The Commissioner finds that East Renfrewshire Council (the 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 C. In particular, the Council failed to respond to Mr C's requirement for review within the timescale laid down by section 21(1) of FOISA.

The Commissioner does not require the Council to take any action in respect of this failure, in response to Mr C's application, given that a response has been issued.

## **Appeal**

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Should either Mr C or East Renfrewshire 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.

**Alison Davies**  
**Deputy Head of Enforcement**

**11 June 2018**

**Scottish Information Commissioner**

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