

# Decision Notice

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**Decision 091/2015: Mr Paul Hutcheon and Chief Constable of the Police Service of Scotland**

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**User Satisfaction Surveys Reports: failure to respond within statutory timescales**

Reference No: 201500930

Decision Date: 22 June 2015



Scottish Information  
Commissioner

## Summary

On 11 March 2015, Mr Hutcheon asked the Chief Constable of the Police Service of Scotland (Police Scotland) for information about guidance for staff and officers who worked on the User Satisfaction Survey, along with reports on the findings of these surveys. This decision finds that Police Scotland failed to respond to the request within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA). The decision also finds that Police Scotland failed to comply with Mr Hutcheon's requirement for review within the timescale set down by FOISA.

## Background

| Date          | Action  |
|---------------|---|
| 11 March 2015 | Mr Hutcheon made an information request to Police Scotland.   |
|               | Police Scotland did not respond to the information request.   |
| 14 April 2015 | Mr Hutcheon wrote to Police Scotland, requiring a review in respect of their failure to respond.  |
|               | Mr Hutcheon did not receive a response to his requirement for review.   |
| 19 May 2015   | Mr Hutcheon wrote to the Commissioner's Office, stating that he was dissatisfied with Police Scotland's failures to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA. |
| 3 June 2015   | Police Scotland were notified in writing that an application had been received from Mr Hutcheon and were invited to comment on the application.   |
| 17 June 2015  | The Commissioner received submissions from Police Scotland. These submissions are considered below.   |

## Commissioner's analysis and findings

1. Police Scotland acknowledged that they had not responded to Mr Hutcheon's request and requirement for review within the timescales set down in the act. They confirmed that a response was emailed to Mr Hutcheon on 5 June 2015. A copy of the response was provided to the Commissioner.
2. Police Scotland apologised to Mr Hutcheon for the delay in responding.
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 Police Scotland did not provide a response to Mr Hutcheon'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 Police Scotland did not provide a response to Mr Hutcheon's requirement for review within 20 working days, so the Commissioner finds that they failed to comply with section 21(1) of FOISA.
7. As Police Scotland responded to Mr Hutcheon's requirement for review on 5 June 2015, the Commissioner does not require them to take any further action in relation to Mr Hutcheon's application.

## Decision

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The Commissioner finds that the Chief Constable of the Police Service of Scotland (Police Scotland) failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information request made by Mr Hutcheon. In particular, Police Scotland failed to respond to Mr Hutcheon'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 Police Scotland to take any action in respect of these failures, in response to Mr Hutcheon's application, given that a response has now been issued.

## Appeal

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Should either Mr Hutcheon or the Chief Constable of the Police Service of Scotland 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**

**22 June 2015**

**Scottish Information Commissioner**

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