

# Decision Notice

---

**Decision 142/2016: Mr Stephen Williams and Angus Council**

---

**Contact Details, Manager of Children's Leaving Service**

Reference No: 201502445

Decision Date: 30 June 2016



Scottish Information  
Commissioner

## Summary

---

On 1 December 2015, Mr Williams asked Angus Council (the Council) for contact details for manager(s) for children leaving care.

The Council disclosed some information and provided a general explanation as to why it would not disclose more. Mr Williams asked for a review, submitting that he had not been given adequate notice in respect of any information withheld. Following the Council's review, as a result of which it generally adhered to its position but provided some further information and explanation, Mr Williams remained dissatisfied and applied to the Commissioner for a decision.

The Commissioner investigated and found that, in the respects raised in his application, the Council addressed Mr William's request in accordance with Part 1 of FOISA.

## Relevant statutory provisions

---

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1) and (4) (General entitlement)

The full text of each of the statutory provisions cited above is reproduced in Appendix 1 to this decision. The Appendix forms part of this decision.

## Background

---

1. On 1 December 2015, Mr Williams made a request for information to the Council. He asked two questions, referred to here as parts 1 and 2 of his request:  
  
Part 1: "Can I have the name and contact details including email for the manager directly responsible for the Children's Leaving Care Service."  
  
Part 2: "Can I also have the same details for the post responsible to the service at third tier if different."
2. The Council issued its response on 3 December 2015 (dated 2 December). It stated that it would not provide personal details for officers below Chief Officer level, unless they had a public facing role or their information was already in the public domain. It invited him to contact the Head of Service (Children and Young People) if he had a general query in this area, providing a generic email address. It also suggested that Mr Williams check information which was routinely published, on its website or through its publication scheme. It noted that such information would be exempt under section 25(1) of FOISA.
3. On 3 December 2015, Mr Williams wrote to the Council, requesting a review of its decision. He suggested information was being withheld, but did not believe he had been given adequate notice under section 16 of FOISA.
4. The Council notified Mr Williams of the outcome of its review on 17 December 2015. It concluded that the Head of Service (Children and Young People) was the appropriate contact for part 1 and provided relevant direct contact details. It explained that it considered the Head of Service to be the relevant postholder at third-tier level, thereby addressing part 2.

5. On 21 December 2015, Mr Williams wrote to the Commissioner. He applied to the Commissioner for a decision in terms of section 47(1) of FOISA. Mr Williams submitted that part 1 of his request had been misinterpreted.

## Investigation

---

6. The application was accepted as valid. The Commissioner confirmed that Mr Williams made a request for information to a Scottish public authority and asked the authority to review its response to that request before applying to her for a decision.
7. On 21 January 2016, the Council was notified in writing that Mr Williams had made a valid application. The case was allocated to an investigating officer.
8. Section 49(3)(a) of FOISA requires the Commissioner to give public authorities an opportunity to provide comments on an application. The Council was invited to comment on this application and answer specific questions, with reference to the information it held and any exemptions it considered applicable.
9. The Council wrote to Mr Williams during the investigation (3 March 2016). Basically, this adhered to the Council's position at review stage, although it expanded on its explanation and confirmed that information on more junior managers would be exempt under section 38(1)(b) of FOISA. It did not appear to consider these more junior managers to fall within the scope of the request. Thereafter, the Council provided the Commissioner with further submissions.

## Commissioner's analysis and findings

---

10. In coming to a decision on this matter, the Commissioner considered all of the withheld information and the relevant submissions, or parts of submissions, made to her by both Mr Williams and the Council. She is satisfied that no matter of relevance has been overlooked.

### Part 1

11. Here, Mr Williams' application relates to part 1 of his request only. He submitted that the Council had misinterpreted this part of his request and not provided details for the manager "directly responsible". He noted that the Council had not sought clarification from him on the proper interpretation of the request, and also submitted that it had not relied on ordinary usage in its interpretation. Instead, he submitted, it had referred to its scheme of delegation, which was not referenced in the request, with the result that the answer was not directed at the information sought.
12. Mr Williams also provided a copy of an email sent to the Council on 17 December 2015, after he had received the outcome of the Council's review in this case, which set out his dissatisfaction in much the same terms. It also stated that the information he was seeking was "the name and contact details of the manager of the operational team dealing with or 'discharging duties' relating to Leaving Care/Through Care on a day to day basis".
13. The Council noted that one person below Chief Officer level would not necessarily be taking his or her own decision with regard to all aspects of Through Care/After Care (as the matters Mr Williams is concerned about are usually described in Scotland). In practice, it continued, decisions are taken on the basis of the scheme of delegation, service policies and guidelines, written manuals and instructions, evolved service practice, etc., defined and/or issued by Chief Officers. Consequently, decisions of officers below that level did not represent an

officer's own opinions and assessments but those of his/her service. It submitted that Mr Williams had made a new request in his email of 17 December 2015.

14. Whether or not a new request was made on 17 December, the Commissioner is satisfied that the Council interpreted Mr Williams' original request reasonably, taking account of relevant considerations. It is apparent from the review outcome that the question of who was directly responsible was considered seriously. The Council did not seek clarification, but it does not appear to have found this necessary and, on the face of it, that appears to have been a reasonable decision. It was hardly inappropriate for it to take account of its own scheme of delegation in this regard: if any document is likely to identify which officers within a local authority are responsible for making particular decisions, it will be that one.
15. The Commissioner also notes that the Council's further response to Mr Williams during the investigation (3 March 2016), taking account of Mr Williams' 17 December 2015 communication, reached the same basic conclusion in relation to part 1 of his request. The officer identified as directly responsible was the officer whose details were provided to Mr Williams on review.
16. The communication of 3 March 2016 is not directly under consideration here, but the Commissioner does consider it relevant in reaching her conclusions on the interpretation of the request. In identifying who, within its own organisation, is responsible for particular matters, a public authority must be allowed to exercise a degree of judgement. Unless it reaches a conclusion which is contradicted by the available evidence or is otherwise wholly unreasonable, it is not a judgement with which the Commissioner can readily interfere. In the circumstances of this particular case, she does not consider she has any basis for doing so.
17. In all the circumstances of this case, therefore, the Commissioner is satisfied that the Council addressed part 1 of Mr William's request adequately in its review outcome. In that respect, therefore (the only respect identified in Mr Williams' application), she is satisfied that the Council complied with Part 1 of FOISA.

## Decision

---

The Commissioner finds that, in the respects specified in Mr Williams' application, Angus Council complied with Part 1 of the Freedom of Information (Scotland) Act 2002 in responding to the information request made by Mr Williams.

## Appeal

---

Should either Mr Williams or Angus 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.

**Margaret Keyse**  
**Head of Enforcement**

**30 June 2016**

## Appendix 1: Relevant statutory provisions

---

### Freedom of Information (Scotland) Act 2002

#### 1 General entitlement

- (1) A person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority.

...

- (4) The information to be given by the authority is that held by it at the time the request is received, except that, subject to subsection (5), any amendment or deletion which would have been made, regardless of the receipt of the request, between that time and the time it gives the information may be made before the information is given.

...

**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)**