



Scottish Information
Commissioner

**Decision 100/2007 Ms Josephine Doorely and Queen Margaret
University**

Failure to respond to a request for review

**Applicant: Ms Josephine Doorley
Authority: Queen Margaret University
Case No: 200700536
Decision Date: 2 July 2007**

**Kevin Dunion
Scottish Information Commissioner**

Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS



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Information request made to Queen Margaret University, Edinburgh – Ms Doorley was dissatisfied with response and submitted a request for review – the University stated that it did not receive that request for review so could not have breached the timescales for review set down by section 21 of FOISA.

Facts

1. Ms Josephine Doorley made an information request to Queen Margaret University (the University) on 29 June 2006.
2. The University responded on 30 October 2006, refusing to release information on the basis that it was exempt from release.
3. Ms Doorley stated that she emailed the University on 6 December 2006 and asked it to carry out a review. She provided me with a copy of the email which she had sent to the University.
4. Ms Doorley did not receive a response to her request for review from the University and, on 10 April 2007, the Commissioner received an application from Ms Doorley for a decision in this matter.
5. The case was subsequently allocated to an investigating officer. The application was validated by establishing that Ms Doorley had made a valid information request to a Scottish public authority and had appealed to the Commissioner only after asking the authority to review its response to her request.
6. On 20 April 2007, the officer notified the University, in terms of section 49(3)(a) of FOISA, of the application made by Ms Doorley and asked for its comments on the application.
7. The University responded on 27 April 2007. The University acknowledged that it had failed to carry out a review in this instance but stated that this was because it had not received Ms Doorley's request for review, dated 6 December 2006.
8. In support of this, the University provided evidence of the emails it received on 6 December 2006. None of these coincided with the date and time of the version of the request for review supplied by the Ms Doorley to this office.



9. The Commissioner is satisfied, on the balance of probabilities and on the evidence submitted by both Ms Doorley and the University, that while Ms Doorley made a request for review, that request was not received by the University.
10. However, the University has agreed to conduct a review of its decision in relation to Ms Doorley's original request and inform Ms Doorley of its outcome immediately.

Decision

The Commissioner finds that, on the balance of available evidence, Queen Margaret University did not receive Ms Doorley's request for review. It did not therefore fail to respond to Ms Doorley's request for review within the 20 working days allowed by section 21(1) of FOISA.

The Commissioner notes that the University has since carried out a review and therefore does not require it to take any steps in relation to Ms Doorley's request for review.

Appeal

Should either Ms Doorley or the University wish to appeal against this decision, there is a right of appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days of receipt of this decision notice.

Margaret Keyse
Head of Investigations
2 July 2007