

# Decision Notice 069/2022

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## Preparation for the visit of Pope Francis I – failure to respond

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**Applicant: The Applicant**

**Public authority: Scottish Ministers**

**Case Ref: 202200493**



Scottish Information  
Commissioner

## Summary

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The Applicant asked the Scottish Ministers (the Ministers) for information, covering the period 12 August 2021 to 12 November 2021, about preparations for the visit of Pope Francis I to Scotland. This decision finds that the Ministers failed to respond to the Applicant's requirement for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

## Background

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1. The Applicant made an information request to the Ministers on 1 January 2022.
2. The Ministers responded to the information request on 28 January 2022.
3. On 1 February 2022, the Applicant wrote to the Ministers requiring a review of their decision.
4. The Applicant did not receive a response to her requirement for review.
5. On 28 April 2022, the Applicant wrote to the Commissioner, stating that she was dissatisfied with the Ministers' failure to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
6. On 29 April 2022, the Ministers were notified in writing that an application had been received from the Applicant and were invited to comment on the application.
7. The Commissioner received submissions from the Ministers on 13 May 2022. These submissions are considered below.

## Commissioner's analysis and findings

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8. 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.
9. It is a matter of fact that the Ministers did not provide a response to the Applicant's requirement for review within 20 working days, so the Commissioner finds that they failed to comply with section 21(1) of FOISA.
10. The remainder of section 21 sets out the requirements to be followed by a Scottish public authority in carrying out a review.
11. In their submissions to the Commissioner, the Ministers explained that the request for review was overlooked due to an administrative error, and was only identified when they received notification of the appeal from the Commissioner.
12. The Ministers further explained that the review request was received via the [casehandling.service@gov.scot](mailto:casehandling.service@gov.scot) email address, which is linked to their case management system. This return email address is not routinely monitored, and the mailbox does not have a "no reply" or forwarding function set up to inform senders of the correct email address for requests. However, work is currently underway to address this issue.
13. On 1 June 2022, the Ministers responded to the Applicant's requirement for review, and apologised for the delay. The Commissioner therefore does not require the Ministers to take any further action in relation to the Applicant's application.

## **Decision**

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The Commissioner finds that the Scottish Ministers (the Ministers) failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2020 (FOISA) in dealing with the information request made by the Applicant. In particular, the Ministers failed to respond to the Applicant's requirement for review within the timescales laid down by section 21(1) of FOISA.

The Commissioner does not require the Ministers to take any action in respect of this failure in response to the Applicant's application, given that a response was issued on 1 June 2022.

## **Appeal**

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Should either the Applicant or the Ministers 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.

**Jill Walker**  
**Freedom of Information Officer**

**16 June 2022**

**Scottish Information Commissioner**

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