

# Decision Notice

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**Decision 199/2018: Mr T and Glasgow City Council**

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**Environmental services: failure to respond within statutory timescales**

Reference No: 201801583

Decision Date: 4 December 2018



Scottish Information  
Commissioner

## Summary

On 7 January 2018 and 25 February 2018, Mr T asked Glasgow City Council (the Council) for information about environmental services. This decision finds that the Council failed to respond to the requests within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA). The decision also finds that the Council failed to comply with Mr T's requirement for review, relating to his information request of 25 February 2018, within the timescale set down by FOISA.

## Background

Date	Action
7 January 2018 & 25 February 2018	Mr T made information requests to the Council.
9 February 2018	The Council responded to the information request of 7 January 2018.
	The Council did not respond to the information request of 25 February 2018.
25 February 2018	Mr T wrote to the Council requiring a review of its decision of 9 February 2018.
19 March 2018	Mr T received a response to his requirement for review of 25 February 2018. The Council also apologised to Mr T for the delay in responding to his initial request.
26 March 2018	Mr T wrote to the Council requiring a review in respect of its failure to respond to the information request of 25 February 2018.
1 May 2018	Mr T received a late response to his requirement for review of 26 March 2018. The Council also apologised to Mr T for its failure to respond to his request within the statutory timescale.
24 September 2018	Mr T wrote to the Commissioner's Office, stating that he was dissatisfied with the Council's failures to respond within the timescales allowed by the Freedom of Information (Scotland) Act 2002 (FOISA) and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
1 November 2018	The Council was notified in writing that an application had been received from Mr T and was invited to comment on the application.
15 November 2018	The Commissioner received submissions from the Council. These submissions are considered below.

## Commissioner's analysis and findings

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1. 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.
2. It is a matter of fact that the Council did not provide a response to Mr T's requests for information within 20 working days, so the Commissioner finds that it failed to comply with section 10(1) of FOISA.
3. 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.
4. It is a matter of fact that the Council did not provide a response to Mr T's requirement for review of 26 March 2018, within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
5. The Council responded to Mr T's requirements for review on 19 March 2018 and 1 May 2018, so the Commissioner does not require it to take any further action in relation to Mr T's application.
6. The Council has explained to the Commissioner the reasons why it fell behind in responding to information requests, and what action it has taken to remedy this situation. The Commissioner notes that the Council apologised to Mr T for its failures to comply with his requests within the statutory timescales.

## Decision

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The Commissioner finds that Glasgow City 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 T. In particular, the Council failed to respond to Mr T's requests for information of 7 January 2018 and 25 February 2018, and his requirement for review of 26 March 2018, within the timescales laid down by sections 10(1) and 21(1) of FOISA.

The Commissioner does not require the Council to take any action in respect of these failures, in response to Mr T's application, given that review outcomes were issued on 19 March 2018 and 1 May 2018.

## **Appeal**

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Should either Mr T or the 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.

**Euan McCulloch**  
**Deputy Head of Enforcement**

**4 December 2018**

**Scottish Information Commissioner**

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