



Scottish Information
Commissioner

**Decision 033/2007 – Mr Stephen Harte and the University of
Edinburgh**

Failure to respond to an information request

Applicant: Mr Stephen Harte
Authority: The University of Edinburgh
Case No: 200700113
Decision Date: 26 February 2007

Kevin Dunion
Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS



Decision 033/2007 – Mr Stephen Harte and the University of Edinburgh

Request for information relating to fire safety within university premises – failure to respond within appropriate timescales – information supplied during the Commissioner’s investigation

Facts

1. Mr Harte submitted an information request to the University of Edinburgh (the University) on 13 December 2006, in which he sought information relating to fire safety within university premises. This request was sent following previous correspondence with a member of university staff in relation to this issue.
2. When no response was received to this request, Mr Harte submitted a request for review on 25 January 2007.
3. The member of university staff responded to Mr Harte on 26 January 2007. In this correspondence the member of staff informed Mr Harte that he would be providing no further comment on the issue in question, and that Mr Harte should pursue this issue through his school.
4. On 26 January 2007, Mr Harte submitted an application to the Commissioner in relation to this request.
5. The case was allocated to an investigating officer. Mr Harte’s application was validated by establishing that he 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 that request.
6. The University was notified, in terms of section 49(3)(a) of FOISA, of the application made by Mr Harte. The University was also asked for its comments on the application.
7. The University responded to this request on 14 February 2007. In this response the University acknowledged that it had failed to respond to Mr Harte’s initial request within the statutory timescale.



8. The University stated that Mr Harte's initial request had been forwarded by the recipient to an appropriate colleague for response, and that this colleague had subsequently failed to deal with the request within the relevant timescales. The University asserted that, when the recipient member of staff received Mr Harte's subsequent correspondence, he considered that the initial request had already been answered and, as a result, did not recognise the correspondence as a request for review.
9. The University stated that it had now provided Mr Harte with the full range of information he requested, and had apologised for the delay.

Decision

The Commissioner finds that, in failing to respond to Mr Harte's information request within the 20 working day period allowed by section 10(1) of the Freedom of Information (Scotland) Act 2002 (FOISA), the University of Edinburgh (the University) breached Part 1 of FOISA.

However, the Commissioner also notes that the University subsequently provided Mr Harte with the full range of information requested during the course of this investigation and has apologised to Mr Harte for the delay. As a result, the Commissioner does not require the University to take any remedial action in relation to this failure.

Appeal

Should either Mr Harte or the Council 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
26 February 2007