



Scottish Information
Commissioner

Decision 127/2007 Mr Robert Clark and Glasgow City Council

***Failure to respond to a request for information and a request
for review***

**Applicant: Robert Clark
Authority: Glasgow City Council
Case No: 200701028
Decision Date: 1 August 2007**

**Kevin Dunion
Scottish Information Commissioner**

Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS



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Information request made to Glasgow City Council – Council failed to respond to request – Mr Clark submitted request for review – Council failed to respond to request for review – The Commissioner found that Glasgow City Council breached the timescales contained in sections 10 and 21 of FOISA

Facts

1. Mr Robert Clark made an information request to Glasgow City Council (the Council) by email on 1 May 2007.
2. Mr Clark did not receive a response to his request and, on 4 June 2007, emailed the Council again asking it to comply with his request. I am treating this second email as a request for review in terms of section 20 of the Freedom of Information (Scotland) Act 2002 (FOISA).
3. The Council also failed to respond to Mr Clark's second email and, on 20 July 2007, Mr Clark submitted an application to the Commissioner for a decision in this matter.
4. The case was subsequently allocated to an investigating officer. The application was validated by establishing that Mr Clark 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 failure to respond to his request.
5. On 23 July 2007, the Commissioner notified Glasgow City Council, in terms of section 49(3) of FOISA, of the application made by Mr Clark and asked for its comments on the application.
6. The Council responded on 27 July 2007. It acknowledged that it had failed to respond to Mr Clark's initial request due to an administrative oversight.
7. The Council acknowledged receipt of Mr Clark's subsequent email of 4 June 2007 and advised that it was passed to the Council's Chief Executive FOI officers for response. It stated that, unfortunately, Mr Clark's email of 4 June was not recognised as a request for review and was not, therefore, passed to Legal Services for attention.



8. The Council further advised that, due to a combination of annual leave and sickness absence, there was a delay in sending a response after it had come to light that Mr Clark had not received a response. The Council sent its response to Mr Clark's request for information to him on 20 July 2007. The Council has subsequently written to Mr Clark apologising for the delay and explaining the reasons for the delay.

Decision

The Commissioner finds that the Council failed to respond to Mr Clark's request for information within the 20 working days allowed by section 10(1) of FOISA.

The Commissioner also finds that the Council failed to respond to Mr Clark's request for review within the 20 working days allowed by section 21(1) of FOISA.

The Commissioner notes that the Council has subsequently responded to Mr Clark's request for information and therefore does not require it to take any further steps.

Appeal

Should either Mr Clark 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 notice.

Claire Sigsworth
Deputy Head of Investigations
1 August 2007