

Decision Notice



Decision 062/2014 Mr Alan Laing and the Scottish Ministers

Ministerial Visit Wrap-up Reports: failure to respond within statutory timescales

Reference No: 201400468
Decision Date: 13 March 2014

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Rosemary Agnew
Scottish Information Commissioner

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Summary

On 3 December 2013, Mr Laing asked the Scottish Ministers (the Ministers) for information about “Wrap-Up reports” regarding Ministerial visits. This decision finds that the Ministers failed to respond to the request within the timescales allowed by the Freedom of Information (Scotland) Act 2002 (FOISA). The decision also finds that the Ministers failed to comply with Mr Laing’s requirement for review within the timescales set down by FOISA.

Background

Date	Action
3 December 2013	Mr Laing made an information request to the Ministers.
	The Ministers did not respond to the information request.
14 January 2014	Mr Laing wrote to the Ministers requiring a review in respect of their failure to respond.
	Mr Laing did not receive a response to his requirement for review.
27 February 2014	Mr Laing wrote to the Commissioner’s Office, stating that he was dissatisfied with those failures and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
3 March 2014	The Ministers were notified in writing that an application had been received from Mr Laing and were invited to comment on the application.
10 March 2014	The Ministers provided the Commissioner with a copy of a letter they had emailed to Mr Laing on 7 February 2014.



Commissioner's analysis and findings

1. On 10 March 2014, the Ministers informed the Commissioner that Mr Laing's review had now been carried out and their response emailed to him on 7 March 2014. A copy of the response was provided to the Commissioner.
2. 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.
3. It is a matter of fact that the Ministers did not provide a response to Mr Laing's request for information within 20 working days, so the Commissioner finds that they failed to comply with section 10(1) of FOISA.
4. 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.
5. It is a matter of fact that the Ministers did not provide a response to Mr Laing's requirement for review within 20 working days, so the Commissioner finds that they failed to comply with section 21(1) of FOISA.
6. Given that the Ministers responded to Mr Laing's requirement for review on 7 March 2014, the Commissioner does not require them to take any further action in relation to Mr Laing's application.

DECISION

The Commissioner finds that the Scottish Ministers (the Ministers) failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information request made by Mr Laing. In particular, they failed to respond to Laing's request for information and requirement for review within the respective timescales laid down by sections 10(1) and 21(1) of FOISA.

Given that the Ministers responded to Mr Laing's requirement for review on 7 March 2014 the Commissioner does not require the Ministers to take any action in response to these failures.



Appeal

Should either Mr Laing or the Scottish 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.

Lorraine Currie
Deputy Head of Enforcement
13 March 2014