

Decision Notice

Decision 083/2014 Ms Rosina Parkhill and Scottish Ambulance Service Board

Patient mobility and related issues: failure to respond within statutory timescales

Reference No: 201400541

Decision Date: 11 April 2014



Scottish Information
Commissioner

Summary

On 10 December 2014, solicitors acting on behalf of Ms Parkhill (referred to in this decision as Ms Parkhill) asked the Scottish Ambulance Service Board (the SASB) for information about patient mobility and related issues. This decision finds that the SASB failed to respond to the request within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA). The decision also finds that the SASB failed to comply with Ms Parkhill's requirement for review within the timescale set down by FOISA.

Background

Date	Action
10 December 2013	Ms Parkhill made an information request to the SASB
	The SASB did not respond to the information request.
21 January 2014	Ms Parkhill wrote to the SASB requiring a review of its failure to respond.
	Ms Parkhill did not receive a response to her requirement for review.
7 March 2014	Ms Parkhill wrote to the Commissioner's Office, stating that she was dissatisfied with those failures and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
26 March 2014	The SASB was notified in writing that an application had been received from Ms Parkhill and was invited to comment on the application.
11 April 2014	The Commissioner received submissions from the SASB. These submissions are considered below.

Commissioner's analysis and findings

1. The SASB confirmed that it had received Ms Parkhill's request and requirement for review and acknowledged that these were not acted on within the timescales required by FOISA. The SASB apologised for this.
2. A response to Ms Parkhill's requirement for review was issued by the SASB on 18 March 2014. A copy was provided to the Commissioner.
3. 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.
4. It is a matter of fact that the SASB did not provide a response to Ms Parkhill's request for information within 20 working days, so the Commissioner finds that it failed to comply with section 10(1) of FOISA.

5. 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.
6. It is a matter of fact that the SASB did not provide a response to Ms Parkhill's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
7. Given that the SASB responded to Ms Parkhill's requirement for review on 18 March 2014, the Commissioner does not require it to take any further action in this case, in response to Ms Parkhill's application.

Decision

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

Given that the SASB has now responded to Ms Parkhill's requirement for review, the Commissioner does not require the SASB to take any action in respect of these failures, in response to Ms Parkhill's application.

Appeal

Should either Ms Parkhill or the Scottish Ambulance Service Board wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. The appeal must be made within 42 days after the date of intimation of this decision.

Euan McCulloch
Deputy Head of Enforcement
11 April 2014

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