

Decision Notice

Decision 183/2014: Mr Brian George and Glasgow City Council

Alleged breaches of Health and Safety legislation: failure to respond within statutory timescales

Reference No: 201401873

Decision Date: 26 August 2014



Scottish Information
Commissioner

Summary

On 3 February 2014, Mr George asked Glasgow City Council (the Council) for information concerning alleged breaches of Health and Safety legislation at a specified location. This decision finds that the Council 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 Council failed to comply with Mr George's requirement for review within the timescale set down by FOISA.

Background

Date	Action
3 February 2014	Mr George made an information request to the Council.
	The Council did not respond to the information request.
4 March 2014	Mr George emailed the Council requiring a review in respect of its failure to respond.
	Mr George did not receive a response to his requirement for review.
21 July 2014	Mr George wrote to the Commissioner, stating that he was dissatisfied with the Council's failures to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
4 August 2014	The Council was notified in writing that an application had been received from Mr George and was invited to comment on the application.
15 August 2014	The Commissioner received submissions from the Council. These submissions are considered below.

Commissioner's analysis and findings

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 George's request 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 George's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
5. The Council acknowledged that it had failed to respond to Mr George's information request and requirement for review. It explained that this was due to a technical issue of which it had not previously been aware, involving its Service Request software. The Council stated that the fault with the system would now be investigated to ensure it could not happen in future.
6. The Council responded to Mr George's requirement for review on 15 August 2014, so the Commissioner does not require it to take any further action in relation to Mr George's application.

Decision

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 George. In particular, the Council failed to respond to Mr George'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 Council has now responded to Mr George's requirement for review, the Commissioner does not require the Council to take any action in respect of these failures.

Appeal

Should either Mr George or Glasgow City 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.

Alison Davies

Deputy Head of Enforcement

26 August 2014

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews, Fife
KY16 9DS

t 01334 464610

f 01334 464611

enquiries@itspublicknowledge.info

www.itspublicknowledge.info