

# Decision Notice

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## **Decision 220/2014: Mr Greg Christison and the Scottish Ministers**

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### **Four separate requests: Failure to respond within statutory timescales**

Reference No: 201402285

Decision Date: 13 October 2014



Scottish Information  
Commissioner

## Summary

On 8 July 2014, Mr Christison asked the Scottish Ministers (the Ministers) for information on four separate matters (the First Minister's correspondence with celebrities; cost of entertainment at Bute House; correspondence with other Governments; correspondence about television debates). This decision finds that the Ministers failed to respond to the requests within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA). The decision also finds that the Ministers failed to comply with Mr Christison's requirements for review within the timescale set down by FOISA.

## Background

Date	Action
8 July 2014	Mr Christison made four information requests to the Ministers.
9 July 2014	The Ministers acknowledged the information requests, but did not respond to them.
19 August 2014	Mr Christison wrote to the Ministers requiring a review in respect of their failure to respond.
19 August 2014	Again, although Mr Christison received an acknowledgment, he did not receive a response to his requirements for review.
23 September 2014	Mr Christison wrote to the Commissioner's Office, stating that he was dissatisfied with the Ministers' failures to respond and applied to the Commissioner for a decision in terms of section 47(1) of FOISA.
24 September 2014	The Ministers were notified in writing that an application had been received from Mr Christison and were invited to comment on the application.
9 October 2014	The Commissioner received submissions from the Ministers. 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 Ministers did not provide a response to Mr Christison's requests for information within 20 working days, so the Commissioner finds that they 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 Ministers did not provide a response to Mr Christison's requirements for review within 20 working days, so the Commissioner finds that they failed to comply with section 21(1) of FOISA.
5. The Ministers responded to Mr Christison's requirements for review on 8 October 2014, so the Commissioner does not require them to take any further action in relation to Mr Christison's application.

## **Decision**

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

The Commissioner does not require the Ministers to take any action in respect of these failures, in response to Mr Christison's application, given that the Ministers have now responded to his requirements for review.

## **Appeal**

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Should either Mr Christison 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.

**Alison Davies**

**Deputy Head of Enforcement**

**13 October 2014**

**Scottish Information Commissioner**

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