

Decision Notice

Decision 261/2016: Mr McQuillan and Glasgow City Integration Joint Board

List of community organisations: failure to respond within statutory timescales

Reference No: 201602123

Decision Date: 08 December 2016



Scottish Information
Commissioner

Summary

Glasgow City Integration Joint Board (the Integration Joint Board) was asked for a list of the community organisations that were engaged to help develop its Participation and Engagement Strategy. This decision finds that the Integration Joint Board failed to respond to the request for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

Background

Date	Action
29 June 2016	Mr McQuillan made an information request to the Integration Joint Board.
27 July 2016	The Integration Joint Board responded to the information request.
11 August 2016	Mr McQuillan wrote to the Integration Joint Board requiring a review of its decision.
	Mr McQuillan did not receive a response to his requirement for review.
17 November 2016	Mr McQuillan wrote to the Commissioner's Office, stating that he was dissatisfied with the Integration Joint Board's failure to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
23 November 2016	The Integration Joint Board was notified in writing that an application had been received from Mr McQuillan and was invited to comment on the application.
7 December 2016	The Commissioner received submissions from the Integration Joint Board. These submissions are considered below.

Commissioner's analysis and findings

1. 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. This is subject to qualifications which are not relevant in this case.
2. It is a matter of fact that the Integration Joint Board did not provide a response to Mr McQuillan's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
3. The Integration Joint Board responded to Mr McQuillan's requirement for review on 7 December 2016, so the Commissioner does not require it to take any further action in relation to Mr McQuillan's application.
4. The Integration Joint Board explained that its failure to respond to Mr McQuillan's requirement for review was largely a matter of individual human error, coupled with processes for dealing with such requests not having been fully in place and tested. The Integration Joint Board stressed that its failure to respond was not, in any way, a sign of any

reluctance to respond and it offered Mr McQuillan an unreserved apology. It confirmed that its processes for responding to requests are now functioning effectively.

5. The Commissioner notes that Mr McQuillan's request was the first information request that the Integration Joint Board had received under FOISA, and that, at the time of Mr McQuillan's request, it did not have a system in place for recording FOI requests. She is satisfied that it has taken steps to prevent a similar oversight in future.

Decision

The Commissioner finds that Glasgow City Integration Joint Board (the Integration Joint Board) failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information request made by Mr McQuillan. In particular, the Integration Joint Board failed to respond to Mr McQuillan's requirement for review within the timescale laid down by section 21(1) of FOISA.

The Commissioner does not require the Integration Joint Board to take any action in respect of this failure, given that it has now responded to Mr McQuillan's requirement for review.

Appeal

Should either Mr McQuillan or Glasgow City Integration Joint Board 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

08 December 2016

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