

Decision Notice 026/2021

Sectarian motivated false accusations of child sexual abuse against Catholic priests in Scotland – failure to respond

The Applicant

Public authority: Greater Glasgow & Clyde Health Board

Case Ref: 202001484



Scottish Information
Commissioner

Summary

The Applicant asked Greater Glasgow & Clyde Health Board (NHSGGC) for information about sectarian motivated false accusations of child sexual abuse, raised by NHSGGC or by a child (or an adult on their behalf), against Catholic priests in Scotland from 15 March 2015 to 14 September 2020. This decision finds that NHSGGC failed to respond to the Applicant's requirement for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

The Commissioner has ordered NHSGGC to comply with the requirement for review.

Background

1. The Applicant made an information request to NHSGGC on 18 September 2020.
2. NHSGGC responded to the information request on 16 October 2020.
3. On 25 October 2020, the Applicant wrote to NHSGGC requiring a review of its decision.
4. The Applicant did not receive a response to her requirement for review.
5. On 12 December 2020, the Applicant wrote to the Commissioner, stating that she was dissatisfied with NHSGGC's failure to respond and applying to the [Commissioner] for a decision in terms of section 47(1) of FOISA.
6. On 12 January 2021, NHSGGC was notified in writing that an application had been received from the Applicant and was invited to comment on the application.
7. The Commissioner received submissions from NHSGGC. These submissions are considered below.

Commissioner's analysis and findings

8. 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.
9. It is a matter of fact that NHSGGC did not provide a response to the Applicant's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA. NHSGGC acknowledged this failure in its submissions.
10. The remainder of section 21 sets out the requirements to be followed by a Scottish public authority in carrying out a review. As no review has been carried out in this case, the Commissioner finds that NHSGGC failed to discharge these requirements: he now requires a review to be carried out in accordance with section 21.
11. NHSGGC's submissions acknowledge that the Applicant is due an apology in respect of its failure to respond. The Commissioner would recommend that this apology be given when NHSGGC responds to the requirement for review.

Decision

The Commissioner finds that Greater Glasgow & Clyde Health Board (NHSGGC) failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2020 (FOISA) dealing with the information request made by the Applicant. In particular, NHSGGC failed to respond to the Applicant's requirement for review within the timescale laid down by section 21(1) of FOISA.

The Commissioner requires NHSGGC to issue a review outcome, by 12 April 2021.

Appeal

Should either the Applicant or NHSGGC 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.

Enforcement

If NHSGGC fails to comply with this decision, the Commissioner has the right to certify to the Court of Session that NHSGGC has failed to comply. The Court has the right to inquire into the matter and may deal with NHSGGC as if it had committed a contempt of court.

Euan McCulloch
Deputy Head of Enforcement

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