



Scottish Information  
Commissioner

**Decision 059/2005 – Moira Blane and Scottish Borders Council**

*Request for information relating to an employee's training record made to  
Scottish Borders Council*

**Applicant: Moira Blane**  
**Authority: Scottish Borders Council**  
**Case No: 200502189**  
**Decision Date: 29 November 2005**

**Kevin Dunion**  
**Scottish Information Commissioner**

Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS



## Decision 059/2005

### **Failure of Scottish Borders Council to respond to an information request and subsequent request for review within the statutory timescales set out in the Freedom of Information (Scotland) Act 2002**

#### **Facts**

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1. On 26 April 2005, Ms Blane made an information request to Scottish Borders Council (the Council) under section 1 of the Freedom of Information (Scotland) Act 2002 (FOISA). In her e mail, Ms Blane requested the dates of project management training undertaken by an employee of the Council.
2. The Council did not respond to Ms Blane's information request.
3. Ms Blane then e mailed the Council on 30 May 2005 requesting that it reviewed its decision to withhold the information. Again, she did not receive a response from the Council.
4. On 1 July 2005, Ms Blane applied to the Scottish Information Commissioner, requesting that he investigate the Council's refusal to respond to her request for information and to her subsequent request for review.
5. This Office notified the Council of the application made by Ms Blane and invited its comments on 10 August 2005. The Council responded on 26 August 2005, stating that it accepted that it had not responded to Ms Blane's request for information in the manner required by part 1 of FOISA and detailed measures which it had taken to ensure that this situation would not occur again.

#### **Decision**

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Under section 49(1) of FOISA, except where an application is frivolous or vexatious or where an application has been withdrawn or abandoned, I must consider whether the request for information has been dealt with in accordance with the requirements of Part 1 of FOISA and must issue a Decision Notice to both the applicant and the public authority.



I am satisfied that Ms Blane made a request for information to the Council on 26 April 2005 which was valid under the terms of section 1(1) of FOISA, followed by a valid requirement for review (in terms of section 20 of FOISA) on 30 May 2005.

Section 10(1) of FOISA gives Scottish public authorities a maximum of 20 working days from receipt of the request to comply with a request for information.

Additionally, section 21(1) of FOISA gives authorities a maximum of 20 working days from receipt of the requirement to comply a requirement for review.

The Council did not respond either to Ms Blane's request for information or to her requirement for review within the respective timescales specified in FOISA.

I therefore find that the Council did not deal with Ms Blane's request for information in accordance with the requirements of Part 1 of FOISA in that it failed to comply with section 10(1) and section 21(1).

I require Scottish Borders Council to respond to Ms Blane's request for information, by either providing the information requested or giving notice in terms of section 16 (refusal of request) or section 17 (notice that information is not held) of FOISA (as appropriate), within 42 days of receipt of this decision notice.

## **Appeal**

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Should either party wish to appeal against this decision, there is an appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days of receipt of this notice.

**Kevin Dunion**  
**Scottish Information Commissioner**