



Scottish Information  
Commissioner

**Decision 030/2008 - Mr Mark Nixon and Glasgow City Council**

*Information on job profile allocation*

**Applicant: Mr Mark Nixon**

**Authority: Glasgow City Council**

**Case numbers: 200700088 and 200700789**

**Decision Date: 21 February 2008**

**Kevin Dunion  
Scottish Information Commissioner**

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## Decision 030/2008 - Mr Mark Nixon and Glasgow City Council

### *Information on job profile allocation*

#### Relevant Statutory Provisions and Other Sources

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Freedom of Information (Scotland) Act 2002 (FOISA): sections 1(1) (General entitlement); 2(1) (Effect of exemptions); 10(1) (Time for compliance); 17(1) (Notice that information is not held); 21(1) and (5) (Review by Scottish public authority); 25(1) (Information otherwise accessible) and 27(1) (Information intended for future publication)

The full text of each of these provisions is reproduced in the Appendix to this decision. The Appendix forms part of this decision.

The Scottish Ministers' Code of Practice on the Discharge of Functions by Public Authorities under the Freedom of Information (Scotland) Act 2002 ("the Section 60 Code")

Scottish Parliament Justice 1 Committee *Freedom of Information (Scotland) Bill: Stage 2* (Tuesday 12 February 2002)

<http://www.scottish.parliament.uk/business/committees/historic/justice1/or-02/j102-0502.htm>

#### Facts

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Mr Mark Nixon (Mr Nixon) made two information requests, which together sought all documentation, including correspondence, relating to his role profile allocation from Glasgow City Council (the Council) and the generic instructions and supporting documents issued to those responsible for applying the Council's Workforce Pay and Benefits Review. The Council responded to both requests by stating that this information was exempt in terms of sections 25(1) and 27(1) of FOISA. Following reviews of each request, Mr Nixon remained dissatisfied and applied to the Commissioner for a decision.

Further information was subsequently supplied to Mr Nixon during the investigation. Following an investigation, the Commissioner found that the Council had failed to deal with Mr Nixon's request for information in accordance with Part 1 of FOISA.



## Background

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1. This decision is concerned with two separate but related requests for information made to the Council. I will refer to these in what follows as request 1 and request 2.

### Request 1

2. On 14 December 2006, Mr Nixon wrote to the Council requesting the following information: all documentation, including correspondence, relating to his role profile allocation (within the process of job evaluation – the Workforce Pay and Benefits Review (the WPB Review) - underway across the entire Council).
3. The Council wrote to Mr Nixon on 15 December 2006 in response to his request for information. The Council stated that it held information which came within the terms of his request, but that some of this information was exempt in terms of section 25(1) of FOISA as it was reasonably accessible without having to make a request under FOISA. The Council provided a link to pages on its intranet providing information on the WPB Review.
4. The Council also explained that some of the information requested was exempt under section 27(1) of FOISA since the Council intended to publish the information within 12 weeks of the date of receipt of Mr Nixon's information request. It explained that a spreadsheet, which would detail role profile allocations for all services, was being prepared for publication on the Council's intranet. This spreadsheet would detail all current job positions, the role profile that the job was allocated to, and the basis for that allocation. In respect of the public interest test for section 27(1), the Council stated that this was in favour of non-disclosure since the information was incomplete, out of date and could mislead rather than inform the public.
5. Also on 15 December 2006, Mr Nixon wrote to the Council requesting a review of its decision. In particular, he drew the Council's attention to the fact that his request had been for information relating to the allocation of *his role* i.e. the actual discussions, the criteria used, the make up of the decision-making body, etc., whilst the information which the Council explained was currently available, and exempt in terms of section 25(1), was generic information. Additionally, Mr Nixon made the point that the information he requested was historical and therefore could not be said to be incomplete. Mr Nixon commented that he believed the withholding of the information was unfair and prejudicial to him should he wish to appeal against his role profile allocation.



6. On 17 January 2007, the Council wrote to notify Mr Nixon of the outcome of its review. The review upheld the Council's original decision in full.
7. On 22 January 2007, Mr Nixon wrote to my Office, stating that he was dissatisfied with the outcome of the Council's review and applying to me for a decision in terms of section 47(1) of FOISA.

## **Request 2**

8. On 5 March 2007, Mr Nixon wrote to the Council requesting the following information:
  - a) the generic instructions and supporting documents issued to those responsible for applying the WPB Review which were used when carrying out further consideration and checking [of Mr Nixon's role profile allocation], and
  - b) all information relating to the further consideration and checking carried out in [Mr Nixon's] role profile allocation, including, but not confined to, the criteria used, the individuals consulted and the bases for decision.

This request was acknowledged by the Council on 21 March 2007.

9. The Council wrote to Mr Nixon in response to this request on 12 April 2007. It stated that it held information which came within the terms of the request, but the information was exempt under section 27(1) of FOISA since the Council intended to publish the requested information within 12 weeks of the date of receipt of the information request. The Council again explained that a spreadsheet, which would detail allocations, was intended for publication. The Council stated that the public interest was in favour of non-disclosure since the information was incomplete, out of date and could mislead rather than inform the public.
10. On 16 April 2007, Mr Nixon wrote to the Council requesting a review of its decision. In particular, he noted that the Council had similarly refused to supply information on the basis that it was intended for publication within 12 weeks in December. Mr Nixon pointed out that almost 18 weeks had passed without publication and this led him to doubt the same claim made in response to his March request. Again, Mr Nixon commented that he believed the withholding of the information was unfair and prejudicial should he wish to appeal against his role profile allocation.



11. Mr Nixon also noted that no paperwork had been supplied showing how the process of “further consideration and checking” should take place. He stated that he did not believe that, given the highly detailed nature of the allocation process and supporting paperwork describing it, no instructions, tables or other paperwork were provided to allocators undertaking this process. He said that it was in the interests of fairness for such information to be made available to him. He also stated that he believed that the Council had failed to comply with the timescale required by section 10(1) of FOISA when responding to his information request.
12. The Council wrote on 22 May 2007 to notify Mr Nixon of the outcome of its review. On review, the Council maintained that all information falling under the scope of Mr Nixon’s request was either already reasonably accessible in terms of section 25(1) since information was available on the Council’s intranet, or it was due to be published. The review also upheld the use of section 27(1) since the information would be published within 12 weeks of the request. The Council did note that due to the significant amount of work involved in the WPB Review, it had not had the resources available for the preparation and publication of information as hoped. The Council also confirmed that it believed that the timescales for compliance set out in section 10(1) of FOISA had been complied with in this case.
13. On 31 May 2007, Mr Nixon wrote to my Office stating that he was dissatisfied with the outcome of the Council’s review for request 2 and applying to me for a decision in terms of section 47(1) of FOISA.
14. Each of Mr Nixon’s applications was validated by establishing that Mr Nixon had made a request for information to a Scottish public authority and had applied to me for a decision only after asking the authority to review its response to that request.

## **The Investigation**

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15. On 23 January 2007, the Council was notified in writing that an application had been received from Mr Nixon in relation to request 1, and it was asked in terms of section 49(3)(a) of FOISA to provide my Office with its comments on the case and specified items of information required for the purposes of the investigation. The Council responded with the information requested and the case was then allocated to an investigating officer.



16. During the investigation, by letter of 20 February 2007, the Council provided Mr Nixon with details of his existing salary grade and the new grade allocated to him under the WPB Review. The Council confirmed that the information provided to him was the same as held at the time of his request. However, Mr Nixon subsequently confirmed to my Office that he remained dissatisfied with the way in which his first request had been dealt with by the Council and he still wanted a decision to be issued on this request.
17. On 11 June 2007, the Council was notified in writing that an application had been received from Mr Nixon in relation to request 2, and was asked in terms of section 49(3)(a) of FOISA to provide my Office with its comments on the case and specified items of information required for the purposes of the investigation. The Council responded with the information requested and the case was also allocated to an investigating officer.
18. In further communications with the Council, the investigating officer sought to clarify a number of questions about the handling of Mr Nixon's two requests, the process followed in the WPB Review and the publication of information surrounding it.

### **Submissions for the applicant**

19. In his applications and further correspondence with my Office, Mr Nixon questioned whether the use by the Council of section 27(1) of FOISA was in the spirit of the legislation. He explained that he required the information sought in request 1 in order to make an appeal concerning his role profile allocation, for which submissions were required to be lodged by 31 December 2006. By using the exemption in section 27(1), Mr Nixon claimed, the Council deliberately prevented release of the material until the closing date of his appeal process had passed.
20. Mr Nixon also was dissatisfied that the material to which the Council applied section 27 of FOISA had not in fact been published within 12 weeks of his initial request.
21. Mr Nixon also questioned whether the Council possessed any information for situations, as with his allocation, where a role profile required further consideration. He asked why the Council had not produced any paperwork for the further consideration of his role profile [in respect of request 2]: for example, what criteria were considered, which persons were consulted and the basis for any decision on his role profile. He said that he thought the claim that no guidance was produced for assessors in such a situation was "fanciful".
22. In respect of his second request, Mr Nixon also questioned whether the Council had complied with the timescales in Part 1 of FOISA.



## Submissions for the Council

23. The Council explained that it had initiated the WPB Review to ensure that all staff received equal pay for work of equal value, without discrimination. Under the WPB Review, new posts were decided upon for the new Council structure and a score was assigned to each post. These numerical scores were published on the Council's intranet site. The Council supplied a copy of this to my Office.
24. The WPB Review firstly agreed a number of 'job families' for the Council. Jobs with similar characteristics were categorised in the same job family. The WPB Review then looked at the different levels of work within each family by using factors such as work complexity, responsibility etc. From this the WPB Review decided on the role profiles for the Council workforce.
25. The job evaluation of the WPB Review focussed on measuring and scoring aspects of each role to determine the grading. This scoring used a number of factors which were weighted in turn. The result was an overall point total or job score.
26. The numerical scores were assessed by senior members of the Council (called "allocators") who had knowledge of the occupational areas. To assess roles the allocators used a guide entitled "Workforce Pay & Benefits Review - Implementation Support" and a document known as "the Allocators' Toolkit". Both documents were published on the Council's intranet and supplied to my Office during the investigation.
27. The Council explained that it had been working on creating a database which holds information on existing positions allocated to the WPB Review. It explained that the information was not held centrally and that work was undertaken to have the information in a single place and in an easily accessible format.
28. The Council applied the exemption in section 27(1) to requests 1 and 2. It explained that it intended to publish the information in a spreadsheet detailing allocations for all services and this would provide details of current job positions, role profile and job allocated within 12 weeks of receipt of the request.
29. In respect of the weighing of the public interest, the Council submitted that it was reasonable and in the public interest to release this information (job allocations) to all employees at the same time and this was one reason it had withheld the information. Additionally, the Council argued that to release the spreadsheet at the time of the request was not in the public interest since at that time there were errors and out-of-date data and this could have caused confusion and misled individuals during the WPB Review.



30. In the course of the investigation, the Council published some data on its intranet in July 2007, although this did not provide the level of detail about each role that was provided to Mr Nixon in response to his request. The Council confirmed that the content of the published spreadsheet was the information accurate as of August/September 2006. It is my understanding that the Council still has not published information to a level of detail that would allow satisfaction of requests of the type made by Mr Nixon.
31. In respect of Mr Nixon's second request, the Council explained that the information published, or to be published, was all the recorded information held by the Council and that it holds no information on how the process of further consideration or checking should take place. The Council confirmed that it held no information about how an allocator should give further consideration to a score.
32. The Council again emphasised that it had complied with the time scales in Part 1 of FOISA and provided me with a copy of Mr Nixon's second request with the Council's received date stamp of 13 March 2007.

### **The Commissioner's Analysis and Findings**

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33. In summary, Mr Nixon made two requests:
  - all of the documentation, including correspondence, relating to his role profile allocation (request 1: 14 December 2006);
  - the generic instructions and all supporting documents issued to those responsible for applying the WPB Review which were used when carrying out this further consideration and checking, and all information relating to further consideration and checking carried out in his role profile allocation (request 2: 5 March 2007).
34. In his application to my Office, Mr Nixon did not raise any dissatisfaction with the Council's use of section 25(1) in respect of generic information about the WPB Review that was available on its intranet. I shall not consider the application of this exemption by the Council in this decision. However, I will note that I am satisfied that the formulation of Mr Nixon's requests would capture both generic information that applied to all role profile allocations, and specific information relating to the consideration only of his own post.
35. In what follows, I will focus on the three issues raised by Mr Nixon in turn:





- a) Whether the Council was correct to rely upon the exemption in section 27(1) when responding to requests 1 and 2.
- b) Whether the Council correctly advised Mr Nixon in response to request 2 that it did not hold any documentation that was issued to those carrying out the process of further consideration and checking; and
- c) Whether the Council complied with the timescale set out in section 10(1) of FOISA when responding to request 2.

### **Section 27(1) - Information intended for future publication – request 1**

36. Section 27(1) provides an exemption where a number of tests are met:
  - a) the information is held with a view to its being published by the public authority or any other person at a date not later than twelve weeks after that on which the request for the information is made;
  - b) when the request is made the information is already being held with that view; and
  - c) it is reasonable in all the circumstances that the information be withheld from disclosure until such date as is mentioned in a).
37. This exemption is subject to the public interest test required by section 2(1)(b) of FOISA.
38. Section 27(1) recognises that where it is intended to make information available, public authorities should, within reason, have space to be able to determine their own publication timetables and deal with the necessary preparation, administration and context of publication.
39. However, it is also recognised that public authorities cannot use publication timetables unreasonably to suppress information which would otherwise be disclosed under FOISA. In particular, the exemption in section 27(1) does not licence public authorities to avoid disclosure under FOISA by 'deciding' to publish information upon receiving an information request: this exemption applies only if there is already an intention to publish within 12 weeks at the time the request is received.
40. It should be noted that there is no requirement within section 27 that the information must go on to actually be published: only that it must be held with a view to publication at the time the request is received. The Scottish Ministers' Code of Practice on the Discharge of Functions by Public Authorities under FOISA ("the Section 60 Code") states, at paragraph 58:



“An authority may withhold requested information if it is intended for publication within 12 weeks of the date of the request. However, because of unforeseen circumstances, the authority may not be able to adhere to that date. Once an authority becomes aware of a delay in the publication date, it should contact the applicant and explain both the reason for the delay and the revised date of publication (if known). Significant delay in publication would be likely to remove the ability to withhold information because it is intended for it to be published...”.

41. I note that this was done by the Council in its letter of 20 February 2007 to Mr Nixon in which it supplied him with information including details of his existing salary grade and the new grade allocated to him under the WPB Review.
42. Nonetheless, Mr Nixon asked me to decide whether the Council was correct in terms of FOISA to withhold under section 27(1) the information he received during the investigation.
43. The Council’s initial responses to request 1 confirmed that some of the information requested was exempt under section 27(1) of FOISA since the Council intended to publish the information within 12 weeks of the date of receipt of the request. It explained that a spreadsheet, which would detail allocations for all services, was being prepared for publication on the Council’s intranet. This spreadsheet would detail all current job positions, the role profile that the job was allocated to, and the basis for that allocation.
44. I will note at the outset that it is questionable whether publication on an intranet site (with access restricted only to employees of the Council) can be said to be publication for the purposes of this exemption. The Council did not provide any submissions about whether the information to be published on its intranet would be available to the wider public, either through a website or on request. However, I will not dwell on this point here, and will presume for the moment that the mode of publication put forward by the Council would be satisfactory, and focus my consideration on whether the Council has demonstrated that the tests set out in paragraph 36 above were met in this instance.
45. The Council supplied to my Office on 20 March 2007 a spreadsheet dated 27 September 2006 to indicate what it intended to publish on its intranet. It was from this document that some of the information, received by Mr Nixon from the Council on 20 February 2007, was extracted. The Council submitted the existence of this spreadsheet was evidence of the information it intended to publish at the time of the request. Additionally, the Council supplied background information which it had disseminated to its employees which referred to, and included, the information which it had said it would publish.



46. The Council's submissions explicitly stated that its reliance on section 27(1) was not in any way intended as a method of withholding information to limit access to information to those seeking to challenge their job profile allocations, as suggested by Mr Nixon. No evidence has been presented to me which demonstrates that the Council withheld information deliberately to hinder an appeal submission by Mr Nixon. In the correspondence to my Office the Council has indicated that it was the intention to publish the information and that this was delayed because of resource issues relevant to the complexity of the whole WPB Review process.
47. On 17 July 2007, the Council confirmed by email that it had published on its intranet the spreadsheet showing job family, role and grade job descriptions, for posts within the Council's grades 1-7 and including information relating to Mr Nixon's role profile allocation. This publication came considerably more than 12 weeks after the Council received request 1.
48. However, I have noted that the Council's letter of 20 February 2007 to Mr Nixon actually supplied more information relating to his job profile allocation than is included on this spreadsheet. Therefore, I note that this publication did not provide all information held that fell within the scope of Mr Nixon's wide reaching requests. The Council has submitted that it does intend to publish more detailed information at some unspecified point in the future, but it is my understanding that the only publication so far is that of 17 July.
49. I consider that the facts of the case suggest that the Council did intend to publish some of the information that was withheld from Mr Nixon. However, I am not satisfied that the planned disclosure (as demonstrated by the extent of the information contained in the spreadsheet supplied) extended to all of the information that was held and supplied to Mr Nixon regarding his job role profile. For the information supplied to Mr Nixon but not published, I have concluded that the exemption is section 27(1) was wrongly applied when responding to request 1.
50. With respect to the information that has subsequently been published, I am also not satisfied that the Council has provided to my Office sufficient evidence to meet the detailed requirements of section 27(1). During the debates within the Justice 2 Committee of the Scottish Parliament there was discussion on the inclusion of a timescale in section 27 of FOISA. It was even commented by the then Justice Minister, Jim Wallace, that section 27 "applies only when the authority in question has a publication date in mind" [Col 3234].



51. I do not think that it is sufficient to show that the information requested is information which the public authority intends to publish at some time in the future. In its submissions the Council emphasised its commitment was to providing the information to all its employees at the same time. The Council did not supply any evidence to demonstrate that its intention to publish included a plan that anticipated that publication within a 12 week period of request 1 being received. Additionally, the Council indicated that full publication of all material was dependent on factors within the WPB Review: for example, whether there were still individual reviews to hear. From these points I find it difficult to accept that there was a settled publication schedule with a settled date. The Council, in this application has not demonstrated to my satisfaction that the information requested by Mr Nixon was at the time of his request held by the Council with a view to its being published by the Council **at a date not later than twelve weeks** after that on which the request for the information is made.
52. Having decided that the tests in section 27(1) have not been met in this case, I am not required to go onto consider the public interest in respect of section 27(1).
53. Accordingly, I find that the Council misapplied section 27(1) of FOISA. As the information to which this exemption was applied has now been provided, I do not require the Council to take any action in response to this breach.

#### **Section 17(1) – Notice that information not held – request 2**

54. Mr Nixon specifically asked that I investigate whether the Council held any further recorded information about his job allocation in respect of request 2. He stated that he would be surprised if such an important process as the WPB Review were not documented.
55. The Council's response involved the application of sections 25 and 27. Mr Nixon's second request was on 5 March 2007. This was subsequent to his first request – through which he received documentation both generic and specific to him (that of 20 February 2007). Mr Nixon's second request seems to me to be seeking information held by the Council relating to the allocators – any instructions to them on what should be done if further checking is required and also if there is any further information held by the Council about any further checking of Mr Nixon's role.
56. On both points the Council stated that it held no information, other than that already provided.



57. During the investigation a member of the Council's Human Resources Department explained what had been involved in the WPB Review process generally and also in respect of the Department within which Mr Nixon's post fell. It was explained that the actual allocation involved three senior members of the Council staff with expert knowledge of the allocation process and the job position. These staff used the allocators' toolkit and the guidance, both already supplied to Mr Nixon, to allocate jobs. It was explained that the allocation did not involve recording of notes or decisions, but rather a step-by-step working through the relevant guidance with the application of the knowledge of the allocators on what the position involved.
58. In the event of any difficulties, the allocators would consider what was involved in the position and, if necessary, ask another member of staff with more detailed knowledge of the post to attend in order to assist the allocation. The process was described by the Council as being "discursive" and involving the meeting of personnel and the using of the toolkit with matrices. It was for this reason that no notes were taken when there was further consideration; only the final allocation was noted.
59. Although the Council had stated that it was unlikely that any information would have been recorded, it undertook a further search and a member of staff involved in Mr Nixon's allocation confirmed that searches had been made to see if any information had been recorded, but that no information was recorded save the final allocation details.
60. In the light of the submissions provided, and the evidence from the Council, I accept that the Council does not hold any recorded information, other than that already provided, in respect of Mr Nixon's request. On this basis, I have found that the exemption in section in section 27(1) was misapplied in this case, since no further information relevant to Mr Nixon's request was being withheld.

### **Section 10(1) – Time for compliance**

61. Mr Nixon questioned whether the Council had complied with the timescales of FOISA in dealing with his second request.
62. Mr Nixon's second information request was dated 5 March 2007 and was sent using the Council's internal mail system. Mr Nixon said that, in his experience, post was collected on a daily basis and was delivered the following day. Mr Nixon stated that no date was specified by the Council in its review of the date when his request had been received.



63. Mr Nixon received from the Council a written confirmation on 21 March 2007 of receipt of his second request. This letter apologised for the inaccurate acknowledgement by the Council by letter of 15 March 2007 referring to a telephone call which was being treated as a request. The Council sent its formal response to Mr Nixon's second request on 12 April 2007.
64. In its review the Council stated that it was obliged to reply to the original request by 12 April 2007, and explained that it had complied with the timescales of FOISA. It did not specify the date when the request was received. On being asked by my Office, the Council supplied a copy of Mr Nixon's second request with the Council's date stamp of 13 March 2007.
65. The Council explained broadly the workings of its internal mail system and highlighted that in this instance sender and recipient were not in the same building. The recipient, Corporate Information and Support Services, was located in George Square, Glasgow. The Council explained that Mr Nixon's office, being an office outside the city centre, would receive a mail collection for internal mail once a day. The Council advised that its mail service had explained that it was likely that Mr Nixon's mail, once collected, would have been delivered to the Council's head office at Trongate, Glasgow. From there it would have been sorted and sent to the City Chambers for delivery to Corporate Information and Support Services.
66. Section 10 of FOISA requires a public authority to respond to an information request within 20 working days. FOISA simply states that a public authority must comply promptly with a request for information and in any event not later than the twentieth working day from receipt of the request. Public authorities should respond promptly, but in any event they must send out the response within 20 working days. It is not necessary for the applicant to receive the response within 20 working days.
67. Having considered the evidence, I accept that in this instance the Council complied with the timescale provided by section 10(1) of FOISA. The Council has evidenced the date of delivery of the initial request and provided a possible explanation for the unexpected time lag between sending and receiving the request.
68. However, I would agree with Mr Nixon's point that when a public authority receives an initial request or request for review, and where – as in this instance - the applicant is questioning compliance with timescales and there is an inaccuracy in acknowledging a request, it would be good practice to specify the date received to allow the applicant to compute the timescales.



## Decision

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I find that Glasgow City Council (the Council) failed to comply fully with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the two information requests made by Mr Nixon.

I have found that the Council misapplied section 27(1) and failed to comply with section 1(1) by withholding the information subsequently provided to him by letter of 20 February 2007 in response to request 1.

I have found that the Council also misapplied section 27(1) when responding to request 2, on the basis that no relevant information existed to which this exemption applied. I have found that the Council correctly notified Mr Nixon in terms of section 17(1) of FOISA that no information was held (beyond that already available) which fell within the scope of this request.

I also found that the Council complied with Part 1 in responding to Mr Nixon's second request within the timescale provided by section 10(1) of FOISA.

I do not require the Council to take any action in response to this decision.

## Appeal

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Should either Mr Nixon or the Council 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 after the date of intimation of this notice.

**Kevin Dunion**  
**Scottish Information Commissioner**  
**21 February 2008**



## Appendix

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### Relevant statutory provisions

#### Freedom of Information (Scotland) Act 2002

##### 1 General entitlement

- (1) A person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority.

##### 2 Effect of exemptions

- (1) To information which is exempt information by virtue of any provision of Part 2, section 1 applies only to the extent that –
- (a) the provision does not confer absolute exemption; and
  - (b) in all the circumstances of the case, the public interest in disclosing the information is not outweighed by that in maintaining the exemption.

##### 10 Time for compliance

- (1) Subject to subsections (2) and (3), a Scottish public authority receiving a request which requires it to comply with section 1(1) must comply promptly; and in any event by not later than the twentieth working day after-
- (a) in a case other than that mentioned in paragraph (b), the receipt by the authority of the request; or
  - (b) in a case where section 1(3) applies, the receipt by it of the further information.

[...]

##### 17 Notice that information is not held

- (1) Where-





- (a) a Scottish public authority receives a request which would require it either-
  - (i) to comply with section 1(1); or
  - (ii) to determine any question arising by virtue of paragraph (a) or (b) of section 2(1),

if it held the information to which the request relates; but

- (b) the authority does not hold that information,

it must, within the time allowed by or by virtue of section 10 for complying with the request, give the applicant notice in writing that it does not hold it.

[...]

## **21 Review by Scottish public authority**

- (1) Subject to subsection (2), a Scottish public authority receiving a requirement for review must (unless that requirement is withdrawn or is as mentioned in subsection (8)) comply promptly; and in any event by not later than the twentieth working day after receipt by it of the requirement.

[...]

- (5) Within the time allowed by subsection (1) for complying with the requirement for review, the authority must give the applicant notice in writing of what it has done under subsection (4) and a statement of its reasons for so doing.

## **25 Information otherwise accessible**

- (1) Information which the applicant can reasonably obtain other than by requesting it under section 1(1) is exempt information.

[...]

## **27 Information intended for future publication**

- (1) Information is exempt information if-
  - (a) it is held with a view to its being published by-
    - (i) a Scottish public authority; or



(ii) any other person,

at a date not later than twelve weeks after that on which the request for the information is made;

- (b) when that request is made the information is already being held with that view; and
- (c) it is reasonable in all the circumstances that the information be withheld from disclosure until such date as is mentioned in paragraph (a).