

Decision Notice

Decision 151/2014 Ms Robyn Staveley and the Scottish Ministers

Ministerial overseas visits: failure to respond within statutory timescales

Reference No: 201401280

Decision Date: 08 July 2014



Scottish Information
Commissioner

Summary

On 4 November 2013, Ms Staveley asked the Scottish Ministers (the Ministers) for a breakdown of all ministerial overseas visits between February 2012 and October 2013. This decision finds that the Ministers failed to respond to the request within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA). The decision also finds that the Ministers failed to comply with Ms Staveley's requirement for review within the timescale set down by FOISA.

Background

Date	Action
4 November 2013	Ms Staveley made an information request to the Ministers.
	The Ministers did not respond to the information request.
11 December 2013	Ms Staveley wrote to the Ministers, requiring a review in respect of their failure to respond.
	Although Ms Staveley received an acknowledgement, she did not receive a response to her requirement for review.
6 June 2014	Ms Staveley wrote to the Commissioner, stating that she was dissatisfied with the Minister's failures to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
20 June 2014	The Ministers were notified in writing that an application had been received from Ms Staveley and were invited to comment on the application.
7 July 2014	The Commissioner received submissions from the Ministers. These submissions are considered below.

Commissioner's analysis and findings

1. The Ministers informed the Commissioner that they had carried out a review and emailed the outcome to Ms Staveley on 4 July 2014. A copy of this response was provided to the Commissioner. The Ministers apologised for the delay in providing a response.
2. 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.
3. It is a matter of fact that the Ministers did not provide a response to Ms Staveley's request for information within 20 working days, so the Commissioner finds that they failed to comply with section 10(1) of FOISA.
4. 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.

5. It is a matter of fact that the Ministers did not provide a response to Ms Staveley's requirement for review within 20 working days, so the Commissioner finds that they failed to comply with section 21(1) of FOISA.
6. Given that the Ministers responded to Ms Staveley's requirement for review on 4 July 2014, the Commissioner does not require them to take any further action in relation to Ms Staveley's application.

Decision

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

Given that the Ministers responded to Ms Staveley's requirement for review on 4 July 2014, the Commissioner does not require them to take any further action in respect of these failures, in response to Ms Staveley's application.

Appeal

Should either Ms Staveley 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.

Euan McCulloch
Deputy Head of Enforcement
08 July 2014

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews, Fife
KY16 9DS

t 01334 464610

f 01334 464611

enquiries@itspublicknowledge.info

www.itspublicknowledge.info