

# Decision Notice

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## Decision 051/2015: Dr Peter Matthews and the Scottish Ministers

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**Communications relating to a stone inscription: failure to respond within statutory timescales**

Reference No: 201500565

Decision Date: 15 April 2015



Scottish Information  
Commissioner

## Summary

On 16 January 2015, Dr Matthews asked the Scottish Ministers (the Ministers) for information about communications from the Head of Communications for the First Minister to all universities in Scotland regarding an inscription on a stone. 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 Dr Matthew's requirement for review within the timescale set down by FOISA.

## Background

Date	Action
16 January 2015	Dr Matthews made an information request to the Ministers.
	The Ministers did not respond to the information request.
19 February 2015	Dr Mathews wrote to the Ministers, requiring a review in respect of their failure to respond.
	Dr Matthews did not receive a response to his requirement for review.
24 March 2015	Dr Matthews wrote to the Commissioner's Office, stating that he 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.
2 April 2015	The Ministers were notified in writing that an application had been received from Dr Matthews and were invited to comment on the application.
13 April 2015	The Commissioner received submissions from the Ministers. These submissions are considered below.

## Commissioner's analysis and findings

1. The Ministers apologised for the delay in responding and a response was sent to Dr Matthews on 10 April 2015.
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 Dr Matthews' 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 Dr Matthews' requirement for review within 20 working days, so the Commissioner finds that they failed to comply with section 21(1) of FOISA.
6. The Ministers responded to Dr Matthews' requirement for review on 10 April 2015, so the Commissioner does not require them to take any further action in relation to Dr Matthews' application.

## **Decision**

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

The Commissioner does not require the Ministers to take any action in respect of these failures, in response to Dr Matthews' application, given that a response has now been issued.

## **Appeal**

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Should either Dr Matthews 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**

**15 April 2015**

**Scottish Information Commissioner**

Kinburn Castle  
Doubledykes Road  
St Andrews, Fife  
KY16 9DS

t 01334 464610

f 01334 464611

[enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

**[www.itspublicknowledge.info](http://www.itspublicknowledge.info)**