

Decision Notice

Decision 081/2015: Mr John Paterson and the Scottish Ministers

Scottish North Sea tax revenue projections: failure to respond within statutory timescales

Reference No: 201500781
Decision Date: 17 June 2015



Scottish Information
Commissioner

Summary

On 26 February 2015, Mr Paterson asked the Scottish Ministers (the Ministers) for information relating to illustrative projections for Scottish North Sea tax revenue. This decision finds that the Ministers failed to respond to the applicant's requirement for review within the timescale set down by the Freedom of Information (Scotland) Act 2002 (FOISA).

Background

Date	Action
26 February 2015	Mr Paterson made an information request to the Ministers.
23 March 2015	The Ministers responded to the information request.
24 March 2015	Mr Paterson wrote to the Ministers, requiring a review of their decision.
	Mr Paterson did not receive a response to his requirement for review.
29 April 2015	Mr Paterson wrote to the Commissioner's Office, stating that he was dissatisfied with the Minister's failure to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
15 May 2015	The Ministers were notified in writing that an application had been received from Mr Paterson and were invited to comment on the application.
29 May 2015	The Ministers provide the Commissioner with a copy of the review outcome (sent to Mr Paterson on that day) and apologised for the delay in issuing this.

Commissioner's analysis and findings

1. 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.
2. It is a matter of fact that the Ministers did not provide a response to Mr Paterson's requirement for review within 20 working days, so the Commissioner finds that they failed to comply with section 21(1) of FOISA.
3. The Ministers responded to Mr Paterson's requirement for review on 29 May 2015, so the Commissioner does not require them to take any further action in relation to Mr Paterson'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 Mr Paterson. In particular, they failed to respond to Mr Paterson's requirement for review within the timescale laid down by section 21(1) of FOISA.

The Commissioner does not require the Ministers to take any action in respect of this failure, in response to Mr Paterson's application, given that the Ministers have now provided a response to Mr Paterson's requirement for review.

Appeal

Should either Mr Paterson 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

17 June 2015

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews, Fife
KY16 9DS

t 01334 464610

f 01334 464611

enquiries@itspublicknowledge.info

www.itspublicknowledge.info