

Decision Notice

Decision 031/2016: Claire Miller and the Scottish Ambulance Service Board

Number of 'red-flagged' addresses requiring police support:

Failure to respond within statutory timescales

Reference No: 201600147

Decision Date: 10 February 2016



Summary

On 28 October 2015, Ms Miller asked the Scottish Ambulance Service Board (the SASB) for information on the number of addresses in the ambulance service area that had been 'red-flagged' or marked on the system as requiring police support before ambulance crews or paramedics can enter, since 2011.

This decision finds that the Board 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 Board failed to comply with Ms Miller's requirement for review within the timescale set down by FOISA.

Background

Date	Action
28 October 2015	Ms Miller made an information request to the SASB.
2 November 2015	The SASB acknowledged the request. However, it did not respond to the information request.
27 November 2015	Ms Miller wrote to the SASB requiring a review of its failure to respond.
2 December 2015	The SASB acknowledged Ms Miller's requirement for review. However, Ms Miller did not receive a response.
	Ms Miller asked for an update on 6 January 2016. She received a further acknowledgement on 11 January 2016, apologising for the delay, and was advised that a response was being prepared.
21 January 2016	Ms Miller wrote to the Commissioner's Office, stating that she was dissatisfied with the SASB's failures to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
27 January 2016	The SASB was notified in writing that an application had been received from Ms Miller and was invited to comment on the application.
9 February 2016	The Commissioner received submissions from the SASB. These submissions are considered below.

Commissioner's analysis and findings

1. 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.

2. It is a matter of fact that the SASB did not provide a response to Ms Miller's request for information within 20 working days, so the Commissioner finds that it failed to comply with section 10(1) of FOISA.
3. 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.
4. It is a matter of fact that the SASB did not provide a response to Ms Miller's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
5. The SASB responded to Ms Miller's requirement for review on 26 January 2016, so the Commissioner does not require it to take any further action in relation to Ms Miller's application. The Commissioner was provided with a copy of the response.
6. The SASB acknowledged that it had not responded to Ms Miller's request in time. It explained that the data she had asked for is not stored in a searchable format due to the information changing on a daily basis. It further explained that although the information had now been provided, the data had to be obtained manually, which meant it took a considerable amount of time to do with the amount of addresses to check.
7. The SASB acknowledged that it had not responded to Ms Miller's requirement for review in time, but stated that the applicant had not requested a review.
8. The Commissioner acknowledges that it is helpful for requestors to explicitly state that they are 'requesting a review', as this can help identify that a review is being asked for. However, requestors do not have to do so. Expressing dissatisfaction with the response they received (giving reasons), or expressing dissatisfaction that a response has not been received, is enough for a review request to be valid.
9. The Commissioner notes that the SASB has apologised to Ms Miller for its failure to meet the statutory timescales for responding to her request and requirement for review.

Decision

The Commissioner finds that the Scottish Ambulance Service Board (the SASB) failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information request made by Ms Miller. The SASB failed to respond to Ms Miller's 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 SASB to take any action in respect of these failures, in response to Ms Miller's application, given that a response has now been issued.

Appeal

Should either Ms Miller or Scottish Ambulance Service Board (the SASB) 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.

Alison Davies
Deputy Head of Enforcement

10 February 2016

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews, Fife
KY16 9DS

t 01334 464610

f 01334 464611

enquiries@itspublicknowledge.info

www.itspublicknowledge.info