

Decision Notice 025/2021

Sectarian motivated false accusations of child sexual abuse against Catholic priests in Scotland – failure to respond

The Applicant

Public authority: Scottish Ambulance Service Board

Case Ref: 202001519



Scottish Information
Commissioner

Summary

The Applicant asked the Scottish Ambulance Service Board (SASB) for information about sectarian motivated false allegations of child sexual abuse made by: the SASB; a child; an adult on behalf of a child, against Catholic priests in Scotland from 15 March 2015 to 14 September 2020. This decision finds that SASB failed to respond to the requirement for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

Background

1. The Applicant made an information request to SASB on 17 September 2020.
2. SASB responded to the information request on 18 September 2020.
3. On 30 October 2020, the Applicant wrote to SASB, requiring a review of its decision.
4. The Applicant did not receive a response to her requirement for review.
5. On 15 December 2020, the Applicant wrote to the Commissioner, stating that she was dissatisfied with SASB's failure to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
6. On 25 January 2021, SASB was notified in writing that an application had been received from the Applicant and was invited to comment on the application.
7. The Commissioner received submissions from SASB.

Commissioner's analysis and findings

8. 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.
9. It is a matter of fact that SASB did not provide a response to the Applicant's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
10. The remainder of section 21 sets out the requirements to be followed by a Scottish public authority in carrying out a review.
11. In its submissions to the Commissioner, SASB advised that the Applicant's request for review email had been overlooked during the transitional period of a nationwide email migration within the National Health Service.
12. SASB issued a review outcome on 4 February 2021, with an explanation – and an apology – for overlooking the Applicant's review requirement.
13. As SASB responded to the Applicant's requirement for review on 4 February 2021, the Commissioner does not require it to take any further action in relation to the Applicant's application.

Decision

The Commissioner finds that the Scottish Ambulance Service Board (SASB) failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2020 (FOISA) in dealing with the information request made by the Applicant. In particular, SASB failed to respond to the Applicant's requirement for review within the timescale laid down by section 21(1) of FOISA.

The Commissioner does not require SASB to take any action in respect of this failure in response to the Applicant's application, given that a response was issued on 4 February 2021.

Appeal

Should either the Applicant or 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.

Enforcement

If SASB fails to comply with this decision, the Commissioner has the right to certify to the Court of Session that SASB has failed to comply. The Court has the right to inquire into the matter and may deal with SASB as if it had committed a contempt of court.

Euan McCulloch
Deputy Head of Enforcement

26 February 2021

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