

Decision Notice

Decision 205/2014: Mr X and Police Scotland

List of CCTV footage: failure to respond within statutory timescale

Reference No: 201401931

Decision Date: 18 September 2014



Scottish Information
Commissioner

Summary

On 20 May 2014, Mr X asked the Chief Constable of the Police Service of Scotland (Police Scotland) for information about CCTV footage. This decision finds that Police Scotland failed to respond to Mr X's requirement for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

Background

Date	Action
20 May 2014	Mr X made an information request to Police Scotland.
5 June 2014	Police Scotland responded to the information request.
28 June 2014	Mr X wrote to Police Scotland requiring a review of its decision. Mr X did not receive a response to his requirement for review.
30 July 2014	Mr X wrote to the Commissioner's Office, stating that he was dissatisfied with Police Scotland's failure to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
8 August 2014	Police Scotland were notified in writing that an application had been received from Mr X and were invited to comment on the application.
15 August 2014	The Commissioner received submissions from Police Scotland. These submissions are considered below.

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. The Commissioner notes Police Scotland's submission that it could not confirm receipt of the review requirement letter from Mr X. On the balance of probabilities, having considered the submissions received from both parties, the Commissioner accepts that the letter was sent by Mr X and received by Police Scotland.
3. In the circumstances, the Commissioner concludes that Police Scotland did not provide a response to Mr X's requirement for review within 20 working days, and so finds that they failed to comply with section 21(1) of FOISA.

4. Police Scotland responded to Mr X's requirement for review on 15 August 2014, so the Commissioner does not require it to take any further action in relation to Mr X's application.

Decision

The Commissioner finds that Police Scotland failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information request made by Mr X. In particular, Police Scotland failed to respond to Mr X's requirement for review within the timescale laid down by section 21(1) of FOISA.

The Commissioner does not require Police Scotland to take any action in respect of this failure, in response to Mr X's application, given that a review response has now been issued.

Appeal

Should either Mr X or Police Scotland 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

18 September 2014

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