

Decision Notice 139/2019

Scotstoun Sports Stadium: failure to respond

Applicant: Mr D

Public authority: Culture and Sport Glasgow

Case Ref: 201901660



Scottish Information
Commissioner

Summary

On 28 June 2019, the Applicant asked Culture and Sport Glasgow (Glasgow Life) for information about the shared usage of, and potential development plans for, Scotstoun Sports Stadium. This decision finds that Glasgow Life failed to respond to the request within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA). The decision also finds that Glasgow Life failed to comply with the Applicant's requirement for review within the timescale set down by FOISA.

Background

Date	Action
28 June 2019	The Applicant made an information request to Glasgow Life.
	Glasgow Life did not respond to the information request.
2 August 2019	The Applicant wrote to Glasgow Life requiring a review in respect of its failure to respond.
	The Applicant did not receive a response his requirement for review.
4 September 2019	The Applicant wrote to the Commissioner's Office, stating that he was dissatisfied with Glasgow Life's failures to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
4 September 2019	Glasgow Life was notified in writing that an application had been received from the Applicant and was invited to comment on the application.
18 September 2019	The Commissioner received submissions from Glasgow Life. 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 Glasgow Life did not provide a response to the Applicant'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.

4. It is a matter of fact that Glasgow Life 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.
5. The remainder of section 21 sets out the requirements to be followed by a Scottish public authority in carrying out a review.
6. Glasgow Life responded to the Applicant's requirement for review on 9 September 2019, so the Commissioner does not require it to take any further action in relation to the Applicant's application.
7. The Commissioner notes that the review contained an apology, regarding the failure to respond within FOISA timescales. Glasgow Life also advised that appropriate measures are being put in place to improve service standards.

Decision

The Commissioner finds that Culture and Sport Glasgow (Glasgow Life) failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information request made by the Applicant. In particular, Glasgow Life failed to respond to the Applicant'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 Glasgow Life to take any action in respect of these failures, in response to the Applicant's application, given that a review was issued on 9 September 2019.

Appeal

Should either the Applicant or Glasgow Life 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.

Claire Stephen
Deputy Head of Enforcement

26 September 2019

Scottish Information Commissioner

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