

Decision Notice 142/2019

The Risk Management Authority's Framework for Risk Assessment, Management and Evaluation (FRAME): failure to respond

Applicant: Mr T

**Public authority: The Chief Constable of the Police Service
of Scotland**

Case Ref: 201901150



Scottish Information
Commissioner

Summary

On 25 March 2019, the Applicant asked the Chief Constable of the Police Service of Scotland (Police Scotland) for information about its compliance with the Risk Management Authority's Framework for Risk Assessment, Management and Evaluation (FRAME). This decision finds that Police Scotland failed to respond to the Applicant's requirement for review within the timescale set down by FOISA.

Background

Date	Action
25 March 2019	The Applicant made an information request to Police Scotland.
1 May 2019	Police Scotland responded to the information request.
14 May 2019	The Applicant wrote to Police Scotland requiring a review of its decision.
24 June 2019	The Applicant received a response to his requirement for a review dated 18 June 2019, posted on 21 June 2019.
3 July 2019	The Applicant wrote to the Commissioner's Office, stating that he was dissatisfied with Police Scotland's failure to respond to his requirement for review within the required timescale and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
23 August 2019	Police Scotland were notified in writing that an application had been received from the Applicant and were invited to comment on the application.
26 August 2019	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. From the submissions received from both the Applicant and Police Scotland, a review was completed on Tuesday 18 June 2019. This was then picked up from Police Scotland's Information Management Unit in Stirling, on Wednesday 19 June 2019, to be posted centrally from its Business Service Unit in Falkirk. As the Applicant provided a copy of the franked

envelope dated 21 June 2019, it is clear that the review was not posted until that date and was therefore not issued within the required timescale.

3. It is a matter of fact, therefore, that Police Scotland 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.
4. Police Scotland responded to the Applicant's requirement for review, by post, on 21 June 2019 so the Commissioner does not require them to take any further action in relation to the Applicant's application.
5. The Commissioner recommends that Police Scotland review their process for issuing responses, taking into consideration the delay in transferring documents to the Business Service Unit for posting.

Decision

The Commissioner finds that the Chief Constable of the Police Service of Scotland (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 the Applicant. In particular, Police Scotland 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 Police Scotland to take any action in respect of this failure, in response to the Applicant's application, given that a review was issued on 21 June 2019.

Appeal

Should either the Applicant 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

30 September 2019

Scottish Information Commissioner

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