



Scottish Information  
Commissioner

**Decision 032/2007 Mr Keith J Bell and City of  
Edinburgh Council**

*Failure to respond to a request for review*

**Applicant: Mr Keith J Bell  
Authority: City of Edinburgh Council  
Case No: 200601650  
Decision Date: 16 February 2007**

**Kevin Dunion  
Scottish Information Commissioner**

Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS



## Decision 032/2007 Mr Keith J Bell and City of Edinburgh Council

***Information request made to the City of Edinburgh Council – Mr Bell was dissatisfied with the response and submitted request for review – the City of Edinburgh Council failed to carry out a review within the timescales set down by FOISA.***

### Facts

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1. Mr Bell made an information request to the City of Edinburgh Council (the Council) on 1 August 2006.
2. The Council responded on 31 August 2006, but refused to release some of the information asked for on the basis that it was exempt under sections 30(b)(i) and (ii), 30(c) and 36(1) of the Freedom of Information (Scotland) Act 2002 (FOISA).
3. Mr Bell were dissatisfied with the Council's response and, on 31 August 2006, asked it to carry out a review.
4. Mr Bell did not receive a response to his request for review from the Council and on 17 October 2006, Mr Bell made an application to the Commissioner for a decision in this matter.
5. The case was subsequently allocated to an investigating officer. The application was validated by establishing that Mr Bell had made a valid information request to a Scottish public authority and had appealed to the Commissioner only after asking the authority to review its response to their request.
6. On 20 October 2006, the officer notified the Council, in terms of section 49(3)(a) of FOISA, of the application made by Mr Bell and asked for its comments on the application.
7. The Council responded on 2 November 2006. The Council acknowledged that it had failed to carry out a review in this instance and would undertake a review of the response to Mr Bell's request within the next week.
8. A review was subsequently carried out by the Council and the outcome of the review was notified to Mr Bell on 8 November 2006.



## **Decision**

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The Commissioner finds that, in failing to respond to Mr Bell's request for review within the 20 working days allowed by section 21(1) of FOISA, the City of Edinburgh Council failed to comply Part 1 of FOISA.

However, the Commissioner notes that the Council has carried out a belated review and therefore does not require it to take any remedial steps in relation to this failure.

## **Appeal**

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Should either Mr Bell or the Council wish to appeal against this decision, there is a right of appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days of receipt of this decision notice.

**Margaret Keyse**  
**Head of Investigations**  
**16 February 2007**