



Scottish Information
Commissioner

**Decision 103/2007 Mr Connor McNally and City Building
(Glasgow) LLP**

Failure to respond to a request for review

**Applicant: Mr Connor McNally
Authority: City Building (Glasgow) LLP
Case No: 200700586
Decision Date: 3 July 2007**

**Kevin Dunion
Scottish Information Commissioner**

Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS



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Information request made to City Building (Glasgow) LLP – Mr McNally was dissatisfied with response and submitted a request for review – City Building (Glasgow) LLP failed to respond to Mr McNally’s request for review – the Commissioner found that City Building (Glasgow) LLP breached the timescales for review set down by section 21 of FOISA

Facts

1. Mr Connor McNally made an information request (No. 11173309) on 23 January 2007.
2. City Building (Glasgow) LLP responded on 27 February 2007, refusing to release information on the basis that it was exempt from release under the Freedom of Information (Scotland) Act 2002 (FOISA).
3. City Building (Glasgow) is a Limited Liability Partnership, set up by Glasgow City Council as an organization which deals with the Council’s Building Services. For the purposes of FOISA it is a publicly-owned company, as defined by section 6 of FOISA, and therefore subject to FOISA in terms of section 3(1)(b) of FOISA.
4. Mr McNally emailed City Building (Glasgow) LLP on 14 March 2007 and asked it to carry out a review.
5. Mr McNally did not receive a response to his request for review from City Building (Glasgow) LLP and, on 22 April 2007, submitted an application to the Commissioner for a decision in this matter.
6. The case was subsequently allocated to an investigating officer. The application was validated by establishing that Mr McNally 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 his request.
7. On 19 June 2007, the officer notified City Building (Glasgow) LLP, in terms of section 49(3)(a) of FOISA, of the application made by Mr McNally and asked for its comments on the application.



8. City Building (Glasgow) LLP responded on 2 July 2007. It acknowledged that it had failed to carry out a review in this instance and stated that this was because of an administrative error whereby there was confusion as to whether Mr McNally's request for review had been dealt with. This, City Building (Glasgow) LLP, asserted was due to staff absence and the fact that Mr McNally had submitted a number of requests.
9. However, City Building (Glasgow) LLP has agreed to conduct a review of its decision in relation to Mr McNally's original request and inform Mr McNally of its outcome immediately.

Decision

The Commissioner finds that City Building (Glasgow) LLP failed to respond to Mr McNally's request for review within the 20 working days allowed by section 21(1) of FOISA.

The Commissioner notes that City Building (Glasgow) LLP has since carried out a review and therefore does not require it to take any steps in relation to Mr McNally's request for review.

Appeal

Should either Mr McNally or City Building (Glasgow) LLP 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
3 July 2007