



Scottish Information
Commissioner

**Decision 188/2007 Mr Branimir Boychev and the University of
Paisley**

Failure to respond to request for review

**Applicant: Mr Branimir Boychev
Authority: University of Paisley
Case No: 200701183
Decision Date: 15 October 2007**

**Kevin Dunion
Scottish Information Commissioner**

Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS



Decision 188/2007-Mr Branimir Boychev and the University of Paisley

Information request made to the University of Paisley – Mr Boychev was dissatisfied with response and submitted a request for review – the University failed to respond to Mr Boychev’s request for review – the Commissioner found that the University of Paisley failed to comply with the timescales for review set down by section 21 of FOISA

Facts

1. On 28 June 2007, Mr Boychev submitted a request for information to the University of Paisley (the University).
2. The University responded to Mr Boychev’s request on 5 July 2007. The University withheld the information on the basis that section 38(1)(a) (Personal information) of FOISA applied. The University also provided Mr Boychev with details as to how to submit a subject access request under the Data Protection Act 1998.
3. On 7 July 2007, Mr Boychev wrote to the University requesting a review of its decision.
4. On 22 August 2007, Mr Boychev applied to the Scottish Information Commissioner, requesting that he investigate the University’s failure to respond to his request for review within the relevant timescales set down in FOISA.
5. Section 21(1) of FOISA gives authorities a maximum of 20 working days from receipt of the requirement to comply with a requirement for review.
6. On 27 September 2007 the Commissioner notified the University of the application made by Mr Boychev and invited its comments in terms of section 49(3)(a) of FOISA. A response was received from the University on 4 October 2007. In its response, the University accepted that it had not responded to Mr Boychev's request for information in line with section 21(1) of FOISA.
7. The University explained that as it had provided Mr Boychev with the information requested under the terms of the Data Protection Act 1998, its failure to respond to Mr Boychev’s request for review under FOISA was due to an administrative oversight. The University also advised that it had now provided Mr Boychev with a response to his request for review. The University provided the Commissioner with a copy of this.



8. Although not directly relevant to the question of whether there was a technical breach of FOISA, it is clear from the information which the Commissioner received from Mr Boychev that the information he is looking for is his personal data and would be exempt in terms of section 38(1)(a) of FOISA.

Decision

The Commissioner finds that the University of Paisley failed to respond to Mr Boychev's request for review within the 20 working days allowed by section 21(1) of FOISA.

In failing to comply with these timescales the Council failed to comply with Part 1 of FOISA.

The Commissioner notes that the University of Paisley has since carried out a review and therefore does not require it to take any steps in relation to Mr Boychev's request for review.

Appeal

Should either Mr Boychev or the University of Paisley 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 after the date of intimation of this notice.

Margaret Keyse
Head of Investigations
15 October 2007