

# Decision Notice

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**Decision 134/2016: Mr Williams and East Ayrshire Council**

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**Contact details, Manager of Children's Leaving Service**

Reference No: 201502365

Decision Date: 27 June 2016



Scottish Information  
Commissioner

## Summary

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On 1 December 2015, Mr Williams asked East Ayrshire Council (the Council) for contact details for manager(s) for children leaving care.

The Council disclosed some information, confirming on review that it considered this to be all the relevant information it held. Mr Williams believed information was being withheld and applied to the Commissioner for a decision.

The Commissioner investigated and the Council released further information during her investigation. She was satisfied that the Council's responses to Mr Williams addressed part 1 of his request, but not part 2 (which was, however, addressed during the investigation).

## Relevant statutory provisions

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Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1) and (4) (General entitlement)

The full text of each of the statutory provisions cited above is reproduced in Appendix 1 to this decision. The Appendix forms part of this decision.

## Background

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1. On 1 December 2015, Mr Williams made a request for information to the Council. He asked two questions, referred to here as parts 1 and 2 of his request:  
  
Part 1 "Can I have the name and contact details including email for the manager directly responsible for the Children's Leaving Care Service."  
  
Part 2 "Can I also have the same details for the post responsible to the service at third tier if different."
2. The Council responded on 3 December 2015. For part 1, the Council provided the name of the relevant Head of Service, a generic email address and a telephone number. It explained why it was not providing more specific contact information.
3. On 4 December 2015, Mr Williams wrote to the Council requesting a review of its decision. He did not believe he had been given any reasons why information was being withheld.
4. The Council notified Mr Williams of the outcome of its review on 14 December 2015. It provided a direct email address and telephone number for part 1, but stated that it held no information capable of addressing part 2 (with its reasoning).
5. On 14 December 2015 Mr Williams wrote to the Commissioner. He applied to the Commissioner for a decision in terms of section 47(1) of FOISA. Mr Williams stated he was dissatisfied with the outcome of the Council's review: he believed information to have been withheld but was not being satisfied that he had been given adequate notice in this connection.

## Investigation

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6. The application was accepted as valid. The Commissioner confirmed that Mr Williams made a request for information to a Scottish public authority and asked the authority to review its response to that request before applying to her for a decision.
7. On 19 January 2016, the Council was notified in writing that Mr Williams had made a valid application. The case was allocated to an investigating officer.
8. Section 49(3)(a) of FOISA requires the Commissioner to give public authorities an opportunity to provide comments on an application. The Council was invited to comment on this application and answer specific questions, with particular reference to clarifying what information the Council held and its reasons for withholding any of it.

## Commissioner's analysis and findings

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9. In coming to a decision on this matter, the Commissioner considered the relevant submissions, or parts of submissions, made to her by both Mr Williams and the Council. She is satisfied that no matter of relevance has been overlooked.

### Part 1

10. The Council's initial response gave generic contact details and the name of the Head of Service, but did not cite any exemptions for withholding any more detailed contact information. It gave a general explanation why it would not provide more detailed information. On review, however, it provided direct email and telephone contact information.
11. The Commissioner is satisfied that the Council, in its review outcome, disclosed to Mr Williams everything it held and which fell within the scope of part 1 of his request.

### Part 2

12. In his application, Mr Williams maintained that the Council held information falling within the scope of this part of the request. He did not believe he had been given adequate notice in respect of this information being withheld.
13. In terms of section 1(4) of FOISA, the information to be provided in response to a request under section 1(1) is that falling within the scope of the request and held by the authority at the time the request is received, subject to qualifications which are not applicable in this case.
14. In the review outcome, the Council stated that it held no information falling within the scope of part 2. Following further discussion during the investigation, the Council agreed with the investigating officer that there were senior officers responsible for the operational delivery of children's services, whose functions would fall within the scope of the request. This information was provided to Mr Williams. The Commissioner is satisfied that this is all the information the Council held and which fell within the scope of part 2.
15. The Commissioner is satisfied that Mr Williams now has the information which addresses part 2 of his request. However, in failing to provide this information in response to Mr Williams' request or his request for review (and Commissioner considers it would have been appropriate for the Council to interpret the request more flexibly, focusing on roles rather than titles) the Council failed to comply with section 1(1) of FOISA.

## **Decision**

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The Commissioner finds that East Ayrshire Council (the Council) failed to comply with part 2 of Mr Williams' information request and thereby failed to comply with section 1(1) of the Freedom of Information (Scotland) Act 2002 (FOISA).

The Commissioner finds that the Council complied with Part 1 of FOISA in relation to part 1 of Mr Williams' request.

## **Appeal**

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Should either Mr Williams or East Ayrshire Council 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.

**Margaret Keyse**  
**Head of Enforcement**

**27 June 2016**

### Freedom of Information (Scotland) Act 2002

#### 1 General entitlement

- (1) A person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority.

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- (4) The information to be given by the authority is that held by it at the time the request is received, except that, subject to subsection (5), any amendment or deletion which would have been made, regardless of the receipt of the request, between that time and the time it gives the information may be made before the information is given.

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