



Scottish Information
Commissioner

Decision 020/2005 - Mr Graham Matthews and Scottish Water

Request for information relating to Scottish Water's sewerage operations

Applicant: Mr Graham Matthews
Authority: Scottish Water
Case No: 200502301
Decision Date: 10 August 2005

Kevin Dunion
Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS



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Failure of Scottish Water to respond to an information request and subsequent request for review within the statutory timescales set out in the Freedom of Information (Scotland) Act 2002

Facts

1. I received an application for a decision on 26 July 2005 from Mr Graham Matthews. In his application, Mr Matthews stated that, on 10 May 2005, he requested information from Scottish Water relating to its sewerage operations, but did not receive a response from Scottish Water to his request. This request from Mr Matthews was a valid request under section 1 of the Freedom of Information (Scotland) Act 2002 (FOISA).
2. In his application, Mr Matthews also stated that he sent a further reminder to Scottish Water on 15 June 2005, but again did not receive a response. I am satisfied that this reminder was a valid request for review.
3. My Office gave Scottish Water notice in writing of the application made by Mr Matthews on 29 July 2005 and invited its comments. Scottish Water responded on 2 August 2005 and confirmed that it had sent the information in response to Mr Matthews' request on 21 July 2005. It also recognised that it had failed to comply with the timescales under FOISA due to a filing error.

Decision

In failing to respond to the request from Mr Matthews until 21 July 2005, Scottish Water did not deal with Mr Matthews' request for information and subsequent request for review in accordance with the following requirements of Part 1 of FOISA:

- Section 10(1), which states that a Scottish public authority must comply promptly with a request for information and in any event by not later than the twentieth working day after the receipt by the authority of the request and
- Section 21(1), which states that a Scottish public authority must comply promptly with a request for review and in any event by not later than the twentieth working day after the receipt by the authority of the request for review.



As information has been provided to Mr Matthews in response to his information request, I do not require Scottish Water to take any steps to comply with Part 1 of FOISA under section 49(6)(b).

This is without prejudice to the right of Mr Matthews to apply to me for a decision in relation to any dissatisfaction he may have with the information which has been provided to him by Scottish Water.

Appeal

Should Mr Matthews or Scottish Water 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 notice.

Kevin Dunion
Scottish Information Commissioner