

# Decision Notice 024/2021

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## **Contract with Bold Revolutions Ltd – failure to respond**

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**The Applicant**

**Public authority: Greater Glasgow & Clyde Health Board**

**Case Ref: 202100106**



Scottish Information  
Commissioner

## Summary

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The Applicant asked Greater Glasgow & Clyde Health Board (NHSGGC) for information about its contract with, and appointment of, Bold Revolutions Ltd. This decision finds that NHSGGC failed to respond to the request within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA). The decision also finds that NHSGGC failed to comply with the Applicant's requirement for review within the timescale set down by FOISA.

The Commissioner has ordered NHSGGC to comply with the requirement for review.

## Background

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1. The Applicant made an information request to NHSGGC on 21 November 2019.
2. NHSGGC responded to the information request on 13 January 2020.
3. On 17 February 2020, the Applicant wrote to NHSGGC requiring a review of its decision.
4. The Applicant did not receive a response to his requirement for review.
5. On 22 January 2021, the Applicant wrote to the Commissioner, stating that he was dissatisfied with NHSGGC's failures to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA. The Commissioner exercised his discretion, under section 47(5) of FOISA, to receive the application after the expiry of the time allowed by section 47(4).
6. On 26 January 2021, NHSGGC was notified in writing that an application had been received from the Applicant and was invited to comment on the application.
7. The Commissioner received submissions from NHSGGC. These submissions are considered below.

## Commissioner's analysis and findings

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8. Section 10(1) of FOISA gives Scottish public authorities a maximum of 20 working days following the date of receipt of the request to comply with a request for information. This is subject to qualifications which are not relevant in this case.
9. It is a matter of fact that NHSGGC did not provide a response to the Applicant's request for information within 20 working days, so the Commissioner finds that it failed to comply with section 10(1) of FOISA.
10. Section 21(1) of FOISA gives Scottish public authorities a maximum of 20 working days following the date of receipt of the requirement to comply with a requirement for review. Again, this is subject to qualifications which are not relevant in this case.
11. It is a matter of fact that NHSGGC did not provide a response to the Applicant's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
12. The remainder of section 21 sets out the requirements to be followed by a Scottish public authority in carrying out a review. As no review has been carried out in this case, the Commissioner finds that NHSGGC failed to discharge these requirements: he now requires a review to be carried out in accordance with section 21.

13. The Commissioner recommends that the NHSGGC considers whether it would be appropriate to apologise to the Applicant for its failures to comply.

## **Decision**

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The Commissioner finds that Greater Glasgow & Clyde Health Board (NHSGGC) failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2020 (FOISA) in dealing with the information request made by the Applicant. In particular, NHSGGC failed to respond to the Applicant's request for information and requirement for review within the timescales laid down by sections 10(1) of 21(1) of FOISA.

The Commissioner requires NHSGGC to carry out a review and issue a response, in terms of section 21 of FOISA, by **12 April 2021**.

## **Appeal**

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Should either the Applicant or NHSGGC 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.

## **Enforcement**

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If NHSGGC fails to comply with this decision, the Commissioner has the right to certify to the Court of Session that NHSGGC has failed to comply. The Court has the right to inquire into the matter and may deal with NHSGGC as if it had committed a contempt of court.

**Euan McCulloch**  
**Deputy Head of Enforcement**

**26 February 2021**

**Scottish Information Commissioner**

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