



Scottish Information
Commissioner
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Decision Notice 194/2025

Disability awareness – failure to respond

Applicant: The Applicant

Authority: Dumfries and Galloway Council

Case Ref: 202500947

Summary

The Applicant asked the Authority for information about policies, procedures and training materials regarding disability awareness and support for disabled parents/carers. This decision finds that the Authority failed to respond to the request and requirement for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

Background

1. The Applicant made an information request to the Authority on 26 March 2025.
2. The Authority issued a partial response to the information request on 1 May 2025 and the remainder on 6 May 2025.
3. On 2 May 2025, the Applicant wrote to the Authority requiring a review of its decision.
4. Although the Applicant received a review outcome on 4 June 2025. He was dissatisfied that he did not receive a response on time.
5. The Applicant wrote to the Commissioner, stating that he was dissatisfied with the Authority's failure to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
6. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.

Investigation

7. Section 49(3)(a) of FOISA requires the Commissioner to notify public authorities of an application and to give them an opportunity to comment. The Commissioner did this on 22 July 2025.
8. The Commissioner received submissions from the Authority on 4 August 2025. These submissions are considered below.
9. The Authority acknowledged that it had not responded to the requirement for review on time.
10. The Authority explained that it has a procedure in place to ensure that responses are issued on time. The requirement for review was logged with the Social Work Service on 6 May 2025 to provide information to the Information Governance Team (IGT) to enable that team to respond to the Requester. Due to administrative errors this led to a delay to the IGT in issuing a response to the Applicant on time.
11. The Commissioner also notes that the Authority was late in responding to the initial request.
12. 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.
13. It is a matter of fact that the Authority 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.
14. 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.
15. It is a matter of fact that the Authority 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.
16. The Authority responded to the Applicant's requirement for review on 4 June 2025, so the Commissioner does not require it to take any further action in relation to the Applicant's application.
17. The Commissioner notes that the Authority apologised to the Applicant for its failure to comply.

Decision

The Commissioner finds that the Authority failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in dealing with the information request made by the Applicant. In particular, the Authority failed to respond to the Applicant's request for information and requirement for review within the timescales laid down by sections 10(1) and 21(1) of FOISA. Given that the Authority has now responded to the Applicant's requirement for review, he does not require the Authority to take any action.

Appeal

Should either the Applicant or the Authority 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.

Jennifer Ross
Deputy Head of Enforcement

6 August 2025