



Scottish Information
Commissioner
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Decision Notice 223/2025

Braes Shopping Centre – failure to respond

Applicant: The Applicant

Authority: Glasgow City Council

Case Ref: 202501382

Summary

The Applicant asked the Authority for the invoices/receipts resulting in the payout of £463,360 from the £3.35 million allocated for the Braes Shopping Centre, along with the policy setting out payment rules. This decision finds that the Authority failed to respond to the requirement for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA)/the Environmental Information (Scotland) Regulations 2004 (the EIRs).

Background

1. The Applicant made an information request to the Authority on 28 March 2025.
2. The Authority responded to the information request on 28 April 2025.
3. On 12 June 2025, the Applicant wrote to the Authority requiring a review of its decision.
4. Although the Authority acknowledged the requirement for review on 13 June 2025, the Applicant not receive a response to her requirement for review.
5. On 19 August 2025, the Applicant wrote to the Commissioner, stating that she was dissatisfied with the Authority's failure to respond to her requirement for review and applying to the Commissioner for a decision in terms of section 47(1) of FOISA. The enforcement provisions of FOISA apply to the enforcement of the EIRs, subject to specified modifications – see regulation 17.
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 2 September 2025.
8. The Commissioner received submissions from the Authority on 9 September 2025. These submissions are considered below.
9. It is apparent from the terms of the request that at least some of the information caught by it will be environmental information as defined by regulation 2(1) of the EIRs. In [Decision 218/2007 Transport Scotland](#)¹, the Commissioner confirmed at paragraph 51 that where environmental information is concerned, there are two separate statutory frameworks for access to that information and, in terms of the legislation, an authority is required to consider the request under both FOISA and EIRs.
10. The Council acknowledged that it had not responded to the request for review on time.
11. Due to an internal error the request for review was missed and was located in the specified officer's deleted mailbox. The Council accepts this was an unfortunate technical error and regrets that this occurred.
12. 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. This is subject to qualifications which are not relevant in this case. The same timescale is laid down by regulation 16(4) of the EIRs.
13. 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 and regulation 16(4) of the EIRs.
14. The Authority responded to the Applicant's requirement for review on 28 August 2025, so the Commissioner does not require it to take any further action in relation to the Applicant's Applicants' application.
15. 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) and with the Environmental Information (Scotland) Regulations 2004 (the EIRs) in dealing with the information request made by the Applicant. In particular, the Authority failed to respond to the Applicant's requirement for review within the timescales laid down by sections 21(1) of FOISA and regulation 16(4) of the EIRs. Given that the Authority has now responded to the Applicant's requirement for review, he does not require the Authority to take any action.

¹ <https://www.foi.scot/decision-2182007>

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.

Jill Walker
Deputy Head of Enforcement

23 September 2025