



Scottish Information
Commissioner
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Decision Notice 227/2025

Cairneyhill Football Club – failure to respond

Applicant: The Applicant

Authority: Fife Council

Case Ref: 202501519

Summary

The Applicant asked the Authority for communications between Fife Council and Cairneyhill Athletic Football Club regarding Cairneyhill football pitch. He also asked for a copy of the lease and associated Business case. This decision finds that the Authority failed to respond to the information requests and requirements for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (the EIRs).

Background

1. The Applicant made two information requests to the Authority (6 and 26 June 2025).
2. The Authority did not respond to these information requests.
3. On 7 and 29 July 2025, the Applicant wrote to the Authority requiring a review in respect of its failure to respond to each request.
4. The Applicant did not receive a response to his requirements for review.
5. On 2 September 2025, the Applicant wrote to the Commissioner, stating that he was dissatisfied with the Authority's failures to respond 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 8 September 2025.
8. The Commissioner received submissions from the Authority on 23 September 2025. These submissions are considered below.
9. It is apparent from the terms of the requests 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 Authority acknowledged that it had not responded to the information requests and requirements for review on time.
11. The Authority explained that the delay in responding was due to staff sickness and holiday absences, which impacted on the team's capacity during a period of exceptionally high demand of information requests.
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. The same timescale is laid down by regulation 5(2)(a) of the EIRs.
13. It is a matter of fact that the Authority did not provide a response to the Applicant's requests for information within 20 working days, so the Commissioner finds that it failed to comply with section 10(1) of FOISA and regulation 5(2)(a) of the EIRs.
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. The same timescale is laid down by regulation 16(4) of the EIRs.
15. It is a matter of fact that the Authority did not provide a response to the Applicant's requirements 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.
16. The Authority responded to the Applicant's requirements for review on 3 September 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.

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

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 requests for information and requirements for review within the timescales laid down by sections 10(1) and 21(1) of FOISA and regulations 5(2) and 16(4) of the EIRs.

Given that the Authority has now responded to the Applicant's requirements 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

25 September 2025