



Scottish Information
Commissioner
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Decision Notice 064/2026

Councillor's expenses – failure to respond

Authority: Highland Council

Case Ref: 202502323

Summary

The Applicant asked the Authority for information about a named councillor's expenses. This decision finds that the Authority failed to respond to the request and requirement for review within the timescales allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

Background

1. The Applicant made an information request to the Authority on 22 July 2025.
2. Later the same day, the Authority acknowledged receipt of the Applicant's information request. However, it did not respond to the information request.
3. On 2 September 2025, the Applicant wrote to the Authority requiring a review of its failure to respond. The Applicant sent further follow-up emails on 24 September, and 2 October 2025.
4. Although the Authority acknowledged these emails, the Applicant did not receive a response to its requirement for review.
5. On 16 December 2025, the Applicant wrote to the Commissioner, stating that it 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 2 February 2026.
8. The Commissioner received submissions from the Authority on 13 February 2026. These submissions are considered below.
9. The Authority stated that it provided a review outcome to the Applicant on 22 January 2026, a copy of which it provided the Commissioner. It explained that its response had been provided late because the process for councillors' expense claims had been transferred to a digital process and the Applicant's request cut across the old and new systems. It added that the management of the systems had also changed and that this had led to difficulties locating all the information requested.
10. 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.
11. 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 the Authority failed to comply with section 10(1) of FOISA.
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. Again, 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 requirement for review within 20 working days, so the Commissioner finds that the Authority failed to comply with section 21(1) of FOISA.
14. The Authority responded to the Applicant's requirement for review on 22 January 2026, so the Commissioner does not require the Authority to take any further action in relation to the Applicant's application.
15. The Commissioner notes that the Authority apologised to the Applicant in the review outcome for its failure 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.

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, the Commissioner 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.

Cal Richardson
Deputy Head of Enforcement

10 April 2026