



Scottish Information
Commissioner
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Decision Notice 076/2026

Information relating to a charity – failure to respond

Applicant: Anonymous

Authority: South Lanarkshire Council

Case Ref: 202600329

Summary

The Applicant asked the Authority for various information relating to a named charity (Routes to Work South). This decision finds that the Authority failed to comply with the Applicant's 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 13 November 2025.
2. The Authority responded to the information request on 5 December 2025.
3. On 22 January 2026, the Applicant wrote to the Authority requiring a review of its decision.
4. The Applicant did not receive a response to his requirement for review.
5. The Applicant wrote to the Commissioner on 20 February 2026, 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 3 March 2026.
8. The Commissioner received submissions from the Authority. These submissions are considered below.
9. The Authority explained that the review was completed within the timescale allowed by section 21(1) of FOISA. However, due to an oversight and an officer going on annual leave, the review outcome was not issued to the Applicant until 2 March 2026 when the oversight came to light.
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. 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 requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
12. As the Authority responded to the Applicant's requirement for review on 2 March 2026, the Commissioner does not require it to take any further action in relation to the Applicant's application.
13. The Commissioner recommends that the Authority considers whether it would be appropriate to apologise 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 requirement for review within the timescale laid down by section 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.

Cal Richardson
Deputy Head of Enforcement

23 April 2026