



Scottish Information  
Commissioner  
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# Decision Notice 090/2026

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## Crime pattern analysis – failure to respond

Authority: Chief Constable of the Police Service of Scotland

Case Ref: 202600197

### Summary

The Applicant asked the Authority for information about crime pattern analysis relating to a specified criminal investigation. This decision finds that the Authority failed to respond to the request within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA). The decision also finds that the Authority failed to comply with the Applicant's requirement for review within the timescale set down by FOISA.

### Background

1. The Applicant made an information request to the Authority on 18 September 2025.
2. The Authority did not respond to the information request.
3. On 22 October 2025, the Applicant wrote to the Authority in respect of its failure to respond.
4. The Applicant did not receive a response to his requirement for review.
5. The Applicant wrote to the Commissioner on 29 January 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 4 February 2026.
8. The Authority did not provide the Commissioner with any submissions for this particular case, but it did acknowledge, in submissions on a separate application by the same Applicant, that it had experienced an increase in demand which had affected both its FOI team but also the business areas it relied on for information.
9. In those submissions, the Authority commented that the Applicant had several outstanding requests on the same subject (of which this was one) and it stated that it planned to review the requests as a batch and hopefully resolve the matter. The Authority submitted that it would be looking at that as a priority over the next month or so.
10. Notwithstanding these submissions, the Authority did not provide the Commissioner with any comments on this specific case and it provided no explanation as to why it had failed to respond to the request and requirement for review.
11. 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.
12. 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.
13. 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.
14. 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.
15. The remainder of section 21 sets out the requirements to be followed by a Scottish public authority in carrying out a review. As no review has been carried out in this case, the Commissioner finds that the Authority failed to discharge these requirements: he now requires a review to be carried out in accordance with section 21.
16. 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 request for information and requirement for review within the timescales laid down by sections 10(1) and 21(1) of FOISA.

The Commissioner requires the Authority to respond to the Applicant's requirement for review, by **15 June 2026**.

## **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.

## **Enforcement**

If the Authority fails to comply with this decision, the Commissioner has the right to certify to the Court of Session that the Authority has failed to comply. The Court has the right to inquire into the matter and may deal with the Authority as if it had committed a contempt of court.

**Jennifer Ross**  
**Deputy Head of Enforcement**

**01 May 2026**