



Scottish Information
Commissioner
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Decision Notice 094/2026

Staff complaints – failure to respond

Authority: City of Edinburgh Council
Case Ref: 202502212

Summary

The Applicant asked the Authority for information about staff complaints. This decision finds that the Authority failed to respond to 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 15 August 2025.
2. The Authority responded to the information request on 16 September 2026.
3. On 21 September 2025, 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. On 9 December 2025, the Applicant wrote to the Commissioner, 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 9 December 2025.
8. The Commissioner received submissions from the Authority on 17 December 2025. These submissions are discussed below.
9. The Authority explained that the delay was due to its HR service taking longer to reply to its request for further information and clarification. It apologised for the delay, which it recognised was outwith the statutory timescales. The Authority stated that it took this responsibility very seriously and that this did not represent the level of service it generally aimed to provide.
10. The Authority explained that it had since provided the Applicant with a late review outcome on 25 October 2025.
11. When asked about this late review outcome, the Applicant submitted that he had not received this.
12. The Authority provided the Commissioner with a copy of the email that it had sent to the Applicant on 25 October 2025, which contained its review outcome. It later re-sent this review outcome to the Applicant on 6 January 2026, and the Applicant confirmed its receipt.
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. 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. As the Applicant has since received a copy of the Authority's review outcome, the Commissioner does not require the Authority to take any further action in relation to the Applicant's application.

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 timescales laid down by section 21(1) of FOISA. Given that the Authority has since responded to the Applicant's requirement for review, he does not require the Authority to take any action in relation to this failure.

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

05 May 2026