



Scottish Information
Commissioner
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Decision Notice 102/2026

Bus shelter signage policy – failure to respond

Authority: Orkney Islands Council

Case Ref: 202502359

Summary

The Applicant asked the Authority for a copy of its bus shelter signage policy or confirmation that no such policy existed. This decision 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 26 November 2025.
2. The Authority responded to the information request on 28 November 2025.
3. On 1 December 2025, the Applicant wrote to the Authority requiring a review of its response.
4. The Applicant did not receive a response to his requirement for review.
5. The Applicant wrote to the Commissioner on 22 December 2025, 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 22 January 2026.
8. The Commissioner received submissions from the Authority. These submissions are considered below.
9. The Authority explained that the Applicant's request had been handled as follow on correspondence to a previous (related) request and had not been identified as a new request for information.
10. The Authority submitted that confusion had arisen, given that the Applicant had already sought a review on the original related FOI request, and that, its response of 28 November 2025 to the request in this case had confirmed that no information was held (i.e. that there was no written policy). The Authority maintained the position that there was no mechanism to undertake an additional review on the same subject, particularly as the Applicant had also referred the original matter to the Commissioner.
11. The Authority acknowledged the Commissioner's view that the Applicant's correspondence of 26 November 2025 was a new request for information and accepted advice on this matter to ensure that requests for information made within other (related) correspondence can be identified in future.
12. The Authority issued a review to the Applicant on 27 January 2026.
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. The Authority responded to the Applicant's requirement for review on 27 January 2026, so the Commissioner does not require it 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 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.

Jill Walker
Deputy Head of Enforcement

7 May 2026