



Scottish Information
Commissioner
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Decision Notice 153/2026

Adult autism spectrum disorder diagnostic service contracted to a specified organisation – failure to respond

Authority: City of Edinburgh Council
Case Ref: 202502276

Summary

The Applicant asked the Authority for information about the commissioning, contracting, oversight and governance of the adult autism spectrum disorder diagnostic service contracted to a specified organisation. 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 9 October 2025.
2. On the same day, the Authority acknowledged the Applicant's information request. However, it did not respond to the information request.
3. On 12 November 2025, the Applicant wrote to the Authority requiring a review in respect of its failure to respond.
4. On the same day, the Authority acknowledged the Applicant's requirement for review. However, the Applicant did not receive a response to her requirement for review.
5. On 13 December 2025, the Applicant wrote to the Commissioner, stating that she 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 6 February 2026. These submissions are considered below.
9. The Authority acknowledged that it failed to respond to the Applicant's request and requirement for review within the statutory timescales. It explained that there was an issue with resilience within the service area that held the information requested and that there was a delay in both retrieving the information and clarifying internally the subject of the information in relation to the request in a timely manner.
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 it 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 it failed to comply with section 21(1) of FOISA.
14. The Authority responded to the Applicant's requirement for review on 19 December 2025, so the Commissioner does not require it to take any further action in relation to the Applicant's application.
15. The Commissioner notes that the Authority provided the Applicant with an apology for its failure to respond to his request for information and requirement for review within the timescales laid down by 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

9 June 2026