



Scottish Information
Commissioner
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Decision Notice 182/2026

Communications about illegal flags in West Dunbartonshire – failure to respond

Authority: West Dunbartonshire Council
Case Ref: 202600921

Summary

The Applicant asked the Authority for all communications since August 2025 about illegal flags in West Dunbartonshire. 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 11 March 2026.
2. The Authority did not respond to the information request.
3. On 12 April 2026, 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 15 May 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 15 June 2026.
8. The Commissioner received submissions from the Authority on 25 June 2026. These submissions are considered below.
9. The Authority acknowledged that it had failed to meet the statutory deadlines under FOISA for responding to the Applicant's request and requirement for review. It explained that this failure resulted as a combination of annual leave and an administrative error.
10. The Authority confirmed that it had now responded to the Applicant's requirement for review and provided the Commissioner with a copy of the review outcome. It also advised the Commissioner that it had implemented reviews of its internal FOI handling procedures and escalation procedures for overdue responses and that it was now conducting additional monitoring of statutory response deadlines.
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 Authority responded to the Applicant's requirement for review on 25 June 2026, so 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 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, 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

14 July 2026