



Scottish Information
Commissioner
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Decision Notice 185/2026

Anti-catholic arrests / charges – failure to respond

Authority: Chief Constable of the Police Service of Scotland
Case Ref: 202600957

Summary

The Applicant asked the Authority for information about anti-catholic arrests or charges under specific pieces of legislation, and associated complaints. This decision finds that the Authority failed to comply with the Applicant's requirement for review within the timescale set down by the Freedom of Information (Scotland) Act 2002 (FOISA).

Background

1. On 10 March 2026, the Applicant made an information request to the Authority.
2. The Authority responded to the information request on 25 March 2026.
3. On 16 April 2026, the Applicant wrote to the Authority requiring a review of its decision.
4. The Applicant did not receive a response to their requirement for review.
5. On 23 May 2026, the Applicant wrote to the Commissioner, stating that they were 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 25 June 2026.

8. The Authority subsequently responded to the Applicant's requirement for review on 29 June 2026 and apologised for the delay in responding.
9. On 6 July 2026, the Applicant confirmed that they wished to continue with their application for a decision by the Commissioner.
10. The Commissioner received submissions from the Authority on 6 July 2026. These submissions are considered below.
11. The Authority acknowledged that it had not responded to the requirement for review at the time of the Applicant's application to the Commissioner. It explained that it was exceptionally busy and that the increase in demand affected both the core FOI team and also the business areas it relied on for information.
12. The Authority noted that it endeavoured to respond to requests as quickly as possible but that, unfortunately, it was unable to meet the statutory deadlines in some cases and that this was one such example.
13. The Authority expressed its apologies to the Applicant for any inconvenience caused.
14. 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.
15. 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.
16. As noted above, the Authority responded to the Applicant's requirement for review on 29 June 2026, so the Commissioner does not require it to take any further action in relation to the Applicant's application.
17. The Commissioner would remind Scottish public authorities that the Scottish Ministers' Code of Practice on the discharge of functions by Scottish public authorities under FOISA and the Environmental Information (Scotland) Regulations 2004 ([the Section 60 Code](#)¹) expects them to be adequately resourced to support and deliver their FOI duties (paragraph 1.1.4 in Part 2).

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 timescale 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.

¹ <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2026/03/foi-eir-section-60-code-practice/documents/foi-eir-section-60-code-practice/foi-eir-section-60-code-practice/govscot%3Adocument/foi-eir-section-60-code-practice.pdf>

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

16 July 2026