Scottish Information Commissioner
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Decision Notice 272/2026

Chief Officer job titles and salary grades – failure to respond

Authority: West Lothian Council
Case Ref: 202601916

Summary

The Applicant asked the Authority for information about Chief Officer job titles and salary grades. This decision finds that the Authority failed to respond to the requirement for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002.

Background

1. On 31 December 2025, the Applicant made an information request to the Authority.
2. The Authority responded to the information request on 22 January 2026.
3. On 23 January 2026, the Applicant asked the Authority to clarify its response.
4. Having received no response to her email of 23 January 2026, the Applicant wrote to the Authority on 17 April 2026 seeking an update.
5. The Authority issued an updated response to the Applicant on 29 April 2026.
6. On 25 June 2026, the Applicant wrote to the Authority requiring a review of its decision.
7. The Authority wrote to the Applicant on 23 July 2026, apologising for the delay in responding. It informed the Applicant that it expected to be able to respond to her requirement for review by 31 July 2026.
8. On 7 August 2026, the Applicant wrote to the Authority, chasing up its review response.
9. The Authority wrote to the Applicant on 7 August 2026, explaining that it was still awaiting some further information to be able to fully respond. It offered to issue the response "piecemeal" or in full, depending on the Applicant's preference.

10. That same day, the Applicant asked the Authority to issue the full response once the outstanding information and internal review was finalised.

11. On 5 September 2026, the Applicant wrote to the Authority, again seeking an update on when the full review outcome would be issued.

12. The Applicant did not receive a response to her requirement for review.

13. On 13 October 2026, 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.

14. 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

15. 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 20 October 2026.

16. The Authority did not provide the Commissioner with any submissions.

17. 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.

18. 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.

19. The remainder of section 21 sets out the requirements to be followed by a Scottish public authority in carrying out a review. As no review has been carried out in this case, the Commissioner finds that the Authority failed to discharge these requirements: he now requires a review to be carried out in accordance with section 21.

20. The Commissioner recommends that the Authority considers whether it would be appropriate to apologise to the Applicant for its failure to comply.

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. The Commissioner requires the Authority to carry out a review and issue a review outcome to the Applicant by **4 January 2027**.

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.

Enforcement

If the Authority fails to comply with this decision, the Commissioner has the right to certify to the Court of Session that the Authority has failed to comply. The Court has the right to inquire into the matter and may deal with the Authority as if it had committed a contempt of court.

Jennifer Ross
Deputy Head of Enforcement

09 November 2026