

Council did not abide by the FOI rules

✘ The case of Davie Hutchison against The City of Edinburgh Council was one raised under the Freedom of Information legislation. The Information Commissioner, Kevin Dunion, has now decided that the council did not comply with the technical requirements of the legislation.

One of the main provisions of The Freedom of Information (Scotland) Act 2002 (FOISA) is that the public body to which you make an FOI request must reply providing the information within 20 days, except in certain restricted circumstances.

Mr Hutchison asked the council earlier this year to provide a list of vacant privately held residential properties in the City Centre and Inverleith wards which were in the Edinburgh North and Leith ward for Westminster parliamentary purposes. The Council replied a week later saying that they considered they did not have to give such information as it fell within an exempt category. Two days later, on 25th August 2010, Mr Hutchison emailed asking for a review of the decision.

It was at this point that the council fell foul of the time limits provided in the Act. They did not reply at all. Mr Hutchison then appealed the matter to the Information Commissioner.

In reply the council claimed to have written to Mr Hutchison on 30th September, which turned out to be 4th October. By the time the matter was under review by the Information Commissioner's office it seemed that the letter had eventually been received by Mr Hutchison.

So whilst there is nothing else which requires to be done, except if Mr Hutchison wishes to appeal the matter on a point of law, it remains the case that the council did not meet the

statutory requirements of a public body being asked for some information.

The Information Commissioner publishes helpful advice as to how to make an FOI request on his [website](#).