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Our Ref: AG/FOI/20/0651

Your Ref:

Date: 20<sup>th</sup> October 2020

By email only to:

Nikhil Prabhu  
[request-685764-  
1505a07c@whatdotheyknow.com](mailto:request-685764-1505a07c@whatdotheyknow.com)

Scott Allan BSc., C.Eng., M.I.C.E.  
Corporate Director  
Environment, Regeneration & Resources

Municipal Buildings  
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Greenock  
PA15 1LY

Dear Mr Prabhu,

### **Request for Review under the Freedom of Information (Scotland) Act 2002 (FOISA)**

I refer to your e-mail of 22<sup>nd</sup> September 2020 requesting a formal review of the response to your Freedom of Information request dated 22<sup>nd</sup> September 2020.

In terms of the guidance issued under the relevant legislation I can confirm that I was not involved with the original response to your Freedom of Information request and accordingly have looked at your request independently of any other Council officers.

### **Your Request**

I understand that your original request dated 19<sup>th</sup> August 2020 was for details of all transactions over £500 from 1st Jan 2020 to 30th June 2020. As a minimum, you requested the date, value and recipient of each transaction. You also requested the procurement category of each transaction if held.

You advised that you were specifically looking for payments to suppliers who provide a service in Health and Social Care. This would include all suppliers falling under the following categories :-

1. Payments to suppliers who provide fostering and adoption services to the Council
2. Payments to suppliers who provide care services to the council. This would include suppliers who provide care under each of the categories below
  - a) Children's Residential/ Nursing Care Providers
  - b) Adult Residential/ Nursing Care Providers
  - c) Elderly Residential/ Nursing Care Providers
  - d) Domiciliary Care Home Providers
  - e) Supported Living Care Home Providers
  - f) Care at Home Providers
  - g) Providers who carry out Homeless Services
3. Payments to suppliers who provide Special Education Services

You advised that you were looking for itemized transactions for suppliers from Jan to June 2020 - preferably in CSV format.

## The Decision

I note that you were provided with a refusal notice in response to your request on 22<sup>nd</sup> September 2020, whereby the projected costs for complying with the request would exceed the prescribed limit as set out in the Fees Regulations.

## The Review

On 22<sup>nd</sup> September 2020 you wrote to the Council expressing your dissatisfaction with the way in which the Council dealt with your request for information.

I understand from your review request that, in summary, your grounds for review are that the information should be easily accessible and not exceed £600. In addition, the information should be disclosed as it is in the public interest.

## The Review Decision

I have now carried out a full review of the decision sent to you on 22<sup>nd</sup> September 2020, taking into account your reasons for requesting a review.

I would firstly like to deal with a procedural failure involved with the handling of your request. Your request should have been responded to by 17<sup>th</sup> September 2020 and I note that a response was not provided to you until 22 September 2020. I understand that the delay was down to pressure of business. I am satisfied that this was a case of human error rather than a deliberate attempt to withhold information.

On behalf of the Council, I would like to take this opportunity to apologise for the delay in responding to your request. You should have received a response to your request within the 20 working day timescale set out in FOISA and I apologise that, in this instance, you did not.

I now wish to turn to your original request for information. Having investigated the matter, I have concluded that your review is upheld and I have enclosed herewith the requested information.

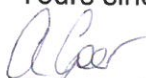
I note that you were advised that the projected costs for complying with the request would exceed the prescribed limit as set out in the Fees Regulations and you were provided with a refusal notice to this effect.

I am of the view that the use of this exemption was wrong and you should have been provided with the information requested. I am satisfied that this was a case of human error rather than a deliberate attempt to withhold information.

On behalf of the Council, I would like to take this opportunity to apologise for not providing the information requested at the outset, and I hope that the information now disclosed addresses this error.

I trust this is satisfactory for your purposes. However, if you are not satisfied with this response then you have the right to make an application within six months of receipt of this letter for a decision by The Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS. Further information in respect of your right of appeal to the Scottish Information Commissioner can be found in the attached leaflet.

Yours sincerely,



**Andrew Greer**

**Data Protection Officer and Solicitor (Information Governance)**