



Freedom of Information (Scotland) Act 2002 – (FOISA)

Decision Notice – Section 21(5), FOISA

In accordance with section 21(1) of the Freedom of Information (Scotland) Act 2002 (FOISA), the Review Panel of Aberdeen City Council (ACC) has considered your application for a Requirement for Review, received by ACC on 8 March 2019.

The Review Panel resolved to uphold the Council's application of Section 33(1)(b) – Commercial Interests – of the FOISA.

Application for a decision by the Scottish Information Commissioner:

By virtue of Section 47 of the FOISA, a person who is dissatisfied with a Decision Notice issued under Section 21 (5) or (9) of the FOISA, may apply to the Scottish Information Commissioner for his decision as to whether, in any respect specified in that application, the request for information under section 1(I) of the FOISA, has been dealt with in accordance with Part 1 of the FOISA.

An application to the Scottish Information Commissioner must be made in writing (or in another form having some permanency ie a video/tape recording) within six months of receipt of a section 21 Decision Notice from Aberdeen City Council's Review Panel. When applying to the Scottish Information Commissioner to make a decision with respect to the section 21 Decision Notice, you must state your name and address for correspondence.

You must also specify: -

- a) the request for information to which the Requirement for Review which was made to Aberdeen City Council relate;
- b) the matter which gives rise to your dissatisfaction pertaining to your request for review;
- c) the matter which gives rise to your dissatisfaction pertaining to the decision given in the section 21 Decision Notice.

Yours faithfully,

Derek Jamieson
Review Panel Clerk
Aberdeen City Council
18 March 2019

FURTHER INFORMATION:

The Scottish Information Commissioner can be contacted at:-

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9BS

Telephone 01334 464610
Fax 01334 464611
Email enquiries@itspublicknowledge.info

Appeals Against a Decision of the Scottish Information Commissioner:

Section 56 of the FOISA provides that an appeal on a point of law may be made to the Court of Session:

- a) against a decision of the Scottish Information Commissioner (under subsection (2) of section 49 – i.e. where the Commissioner determines that a decision does not require to be made) by the person who applied to the Scottish Information Commissioner to make such a decision (i.e. an applicant);
- b) against a decision of the Scottish Information Commissioner (under subsection 3(b) of section 49) by an applicant or by the Scottish Public Authority in respect of which the decision was made or
- c) against a decision which resulted in the giving of an information notice or an enforcement notice to a Scottish Public Authority.