

ABERDEENSHIRE COUNCIL

Freedom of Information (Scotland) Act 2002 ("The Act")

Decision Notice – Section 21(5), FOISA

Application by Gordon Stalker

Dear Gordon Stalker

In accordance with Section 21(1) of the Act, the Review Panel of Aberdeenshire Council has considered your application for a Requirement for Review received by Aberdeenshire Council on 5 June, 2022.

In accordance with section 21(5) of the Act, the Review Panel herewith gives Notice in writing that it considers that the original decision complained about dated 30 May, 2022 requires amendment.

A statement of the reasons for the decision as required by Section 21(5) of the Act is appended which includes the additional information that the Panel requested should be provided.

Application for a decision by the Scottish Information Commissioner:

By virtue of Section 47 of the Act, a person who is dissatisfied with a Decision Notice issued under Section 21 (5) or (9) of the Act, 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(1) of the Act, has been dealt with in accordance with Part 1 of the Act.

An application to the Scottish Information Commissioner must be made in writing (or in another form having some permanency e.g. a video/tape recording) within six months of receipt of a Section 21 Decision Notice from Aberdeenshire 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 Aberdeenshire Council relate;
- b) the matter which gives rise to your dissatisfaction and your request for review; and
- c) the matter which gives rise to your dissatisfaction pertaining to the decision given in the Section 21 Decision Notice.

An appeal can now be made online at the following address:
www.itspublicknowledge.info/Appeal

Yours sincerely

Clerk to Review Panel
Aberdeenshire Council
1 July, 2022

FURTHER INFORMATION:

The Scottish Information Commissioner can be contacted at:-

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Telephone 01334 464610
Fax 01334 464611
Email enquiries@itspublicknowledge.info
Web: www.itspublicknowledge.info/Appeal

Appeals Against a Decision of the Scottish Information Commissioner:

Section 56 of the Act 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.