

STATEMENT OF REASONS

FREEDOM OF INFORMATION REVIEW – SJA GROVE

The Review Panel had before it the initial request, the service response, the request for a review and a further submission from the service. The applicant was afforded the opportunity to make further submissions but chose not to do so.

The Review Panel noted that the subject of the review related to one part of the initial request (noted below*). The Review Panel noted the initial service response and considered that the response accurately answered the question posed as the statutory deadline of 3 months is not automatic and the figure provided accurately reflects those which were submitted out with the statutory deadline which was in place at the time and this is what is recorded on the Council's system. Consequently, a nil response would have been inaccurate.

It was noted that the applicant felt that the figures provided should reflect the number of cases which Information Commissioner Office (ICO) have handled in respect of Aberdeenshire Council due to such a breach. This is not the case for the following reasons :-

- There is no duty on the Council to report late submissions. They do have a duty to report breaches of security above a certain threshold to ICO due to the fact that these will likely result in harm – this would not include failure to respond to a Subject Access Request (SAR) on time.
- Applicant's do have the right to inform ICO of late submissions – an applicant may contact ICO to advise that their SAR was received late but it is up to them whether they take this step – this is not done in every case.

As a result, the number of cases may not match.

The Review Panel considered that the information provided to the applicant was accurate and reflected the true position.

The Review Panel determined that the original Decision Notice was correct and did not require amendment.

**Subject of the Review*

Q3: *The total number of Subject Access Requests that had not been responded to after the three (3) months time limit, with the delay being either a lawful exemption being applied or the Data Protection Act 2018 being breached.*

A3: *11 Subject Access Requests responded to late (not all were extended to 3 months).*