

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 1 – Access to information held by Scottish public authorities

Section 20 – Requirement for review of refusal etc.

69. This section details the process by which a dissatisfied applicant can require a Scottish public authority to review the way it has dealt with a request.
70. Any applicant dissatisfied with the handling of their request for information can require an authority to review its conduct in relation to any aspect of the request. Under section 20(3), the applicant's requirement for review must be in writing or in another form capable of being used for subsequent reference; contain the name and a correspondence address for the applicant; contain details of the initial request; and indicate why a review is being requested.
71. Under section 20(5), an applicant would need to submit the requirement for review either (a) within 40 working days of the expiry of the 20 working day (or in the case of the Keeper, 30 working day) period set for responding to the original request, or (b) within 40 working days of the authority's response to the original request outwith that 20 working day (or in the case of the Keeper, 30 working day) period. However, under section 20(6) public authorities have the discretion to accept a requirement for review received after expiry of these time limits.
72. Section 20(7) allows the Scottish Ministers to make regulations to vary this timescale.