



# Freedom of Information (Scotland) Act 2002

2002 asp 13

## PART 1

### ACCESS TO INFORMATION HELD BY SCOTTISH PUBLIC AUTHORITIES

#### *Review of refusal, etc.*

#### **20 Requirement for review of refusal etc.**

- (1) An applicant who is dissatisfied with the way in which a Scottish public authority has dealt with a request for information made under this Part of this Act may require the authority to review its actions and decisions in relation to that request.
- (2) A requirement under subsection (1) is referred to in this Act as a “requirement for review”.
- (3) A requirement for review must—
  - (a) be in writing or in another form which, by reason of its having some permanency, is capable of being used for subsequent reference (as, for example, a recording made on audio or video tape);
  - (b) state the name of the applicant and an address for correspondence; and
  - (c) specify—
    - (i) the request for information to which the requirement for review relates; and
    - (ii) the matter which gives rise to the applicant’s dissatisfaction mentioned in subsection (1).
- (4) For the purposes of paragraph (a) of subsection (3) (and without prejudice to the generality of that paragraph), a requirement for review is treated as made in writing where the text of the requirement is as mentioned in paragraphs (a) to (c) of section 8(2).
- (5) Subject to subsection (6), a requirement for review must be made by not later than the fortieth working day after—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the expiry of the time allowed by or by virtue of section 10 for complying with the request; or
  - (b) in a case where the authority purports under this Act—
    - (i) to comply with a request for information; or
    - (ii) to give the applicant a fees notice, a refusal notice or a notice under section 17(1) that information is not held,but does so outwith that time, the receipt by the applicant of the information provided or, as the case may be, the notice.
- (6) A Scottish public authority may comply with a requirement for review made after the expiry of the time allowed by subsection (5) for making such a requirement if it considers it appropriate to do so.
- (7) The Scottish Ministers may by regulations provide that subsections (5) and (6) are to have effect as if the reference in subsection (5) to the fortieth working day were a reference to such other working day as is specified in (or determined in accordance with) the regulations.
- (8) Regulations under subsection (7) may—
- (a) prescribe different days in relation to different cases; and
  - (b) confer a discretion on the Scottish Information Commissioner.
- (9) In subsection (1), the reference to “actions” and “decisions” includes inaction and failure to reach a decision.