



**SHETLAND ISLANDS COUNCIL**

**THE FREEDOM OF INFORMATION  
(SCOTLAND) ACT 2002**

**ARRANGEMENTS FOR APPEALS**

The Freedom of Information (Scotland) Act 2002 (the Act) comes into force on 1<sup>st</sup> January 2005. In terms of the Act, a person who requests information from a Scottish public authority which holds it, is entitled to be given it by the authority. There are a very few exemptions.

The Act emphasises the obligation on public bodies to make information available to anyone who asks. It also recognises that there will be costs to public bodies, in respect of locating, retrieving and providing the information requested. The Act and its associated legislation permits the Council to make certain charges in respect of supplying the information requested.

The purpose of this leaflet is to set out:

- arrangements for appeals and complaints

## **Appeals and Complaints**

If you are dissatisfied with the way in which the Council has dealt with your request for information, or with the charges connected with your request, then you may ask the authority to review its actions and decisions in relation to your request, by submitting a formal appeal.

### **Timescales for submitting an appeal**

If your appeal is because the Council has not responded to your request, then your appeal must be submitted within forty working days of the expiry of the time allowed for the Council to comply with the request. The Council has twenty working days in which to respond to a request, counting from the day it received the request. This means that your appeal must be submitted within sixty working days, counting from the day the Council received your request.

If the Council has responded to your request, but the response you received was not satisfactory, then your appeal must be submitted within forty working days of the date of the reply you received from the Council.

If you were asked to pay a charge in connection with the request, and you are appealing against the amount, then your appeal must be submitted within forty working days of the date of the reply you received from the Council.

The Council will only consider late appeals, in unusual circumstances.

### **How to submit an appeal**

If you wish to do this, then you must submit your appeal in writing, or in another permanent format such as a CD or an audio tape. You should state:

- your name and the address to which correspondence addressed to you, should be sent;
- the request for information to which the requirement for review relates; and
- why you are dissatisfied with the way in which the Council has dealt with your request for information.

Please send any appeal to: Jan-Robert Riise  
Executive Manager – Governance and Law  
Shetland Islands Council  
Montfield  
Burgh Road  
LERWICK  
Shetland ZE1 0LA  
Tel: 01595 744551  
Fax: 01595 744585  
Email [foi@shetland.gov.uk](mailto:foi@shetland.gov.uk)

Any complaints about the handling of requests should also be directed to the Executive Manager – Governance and Law at the above contact address.

The Council must respond to an appeal within twenty working days of receiving it.

### **If your appeal is turned down**

The role of the Scottish Information Commissioner is to promote and enforce the Freedom of Information (Scotland) Act 2002 and to make sure government bodies release information you are entitled to see. If you are dissatisfied with the response of the local authority to your appeal, you have the right to complain to the Commissioner. You must do this within six months of receiving the response to your appeal.

Contact details:

The Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
ST ANDREWS  
Fife  
KY16 9DS

E-mail: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

### **Online Appeals**

You may also submit an appeal online at <http://www.itspublicknowledge.info/Appeal>.

### **Further information**

Further information about Freedom of Information may be obtained from the Scottish Information Commissioner's website <http://www.itspublicknowledge.info>. This website also has on-line access to the legislation and its associated Codes of Practice.

SIC  
14 December 2016