

Letter 2-4

Our Ref 201202197 (JF)

Your Ref

Eighteen and Under  
C/o Laurie Matthew  
1 Victoria Road  
Dundee  
DD1 1EL

7 November 2012

Dear Ms Matthew

**Application for Decision by the Scottish Information Commissioner  
Public Authority: Dundee City Council (the Council)**

I refer to your email of 25 October 2012, in which you applied for a decision from the Commissioner about the failure of the Council to respond to Eighteen and Under's request for information dated 28 June 2012, and Eighteen and Under's subsequent request for review of 16 August 2012.

I am satisfied that Eighteen and Under's application is valid in terms of the Freedom of Information (Scotland) Act 2002 (FOISA).

An investigation will now be carried out into the way in which the Council dealt with Eighteen and Under's information request. I have been nominated by the Scottish Information Commissioner as investigating officer and will be your point of contact during the investigation.

The current investigation and the Commissioner's decision will be limited to the Council's compliance with FOISA on the point(s) listed above. At this stage, the Commissioner cannot investigate whether or not Eighteen and Under should have received any of the information you requested.

I have written to the Council, asking it to explain why it failed to reply to Eighteen and Under's letters requesting information. The Council has been told that the Commissioner is investigating your application, and has been invited to comment. I will keep you informed of any developments.

/Continued

Once the Commissioner has enough information to allow her to determine whether the Council failed to comply with FOISA, she will consider what steps need to be taken. In cases such as Eighteen and Under, once the Commissioner has contacted the public authority, it is common for the authority to issue a response to Eighteen and Under's information request/request for review etc., without the Commissioner requiring it to do so by way of a formal Decision Notice. Please let me know if this happens as it may mean that the case can be closed without the need for a formal Decision Notice.

If you become aware of any other matter which might affect the course of the investigation, or the need for a Decision Notice from the Commissioner, please let me know as soon as possible.

Details about the investigation (i.e. the case number, the name of the public authority involved and the type of information requested) will be made available on the Commissioner's website. Once a decision has been reached, a copy of the Decision Notice will be made available on the website. The Decision Notice will name Eighteen and Under as the applicant. In some limited cases, the Commissioner may agree to withhold Eighteen and Under's name from the version of the Notice which appears on the website.

The Commissioner is also a Scottish public authority for the purposes of FOISA and she had a duty to respond to requests for information that she holds. This means it is possible, although unlikely, that she will receive a request asking her to release your name. If this happens, the Commissioner will usually have to release this information, unless there are good reasons for withholding it.

If you feel there are valid reasons for Eighteen and Under's name to be withheld either from the version of the Decision Notice to appear on the website or in response to a request under FOISA, please let me know within the next two weeks.

Please do not hesitate to contact me if you have any questions about this letter contact me on 01334 464610 or [jfrew@itspublicknowledge.info](mailto:jfrew@itspublicknowledge.info).

Yours sincerely

**Julie Frew**  
**Freedom of Information Officer**