

Letter No  
2-5/ 2.6

Dear Ms Matthew

I refer to my letter dated 7 November 2012 in which I advised that I had been allocated as investigating officer in relation to your request to the Council regarding 18 & Under.

The Council has provided me with a copy of its response dated 22 November 2012 it sent to you with respect to your request for information. I note that the Council has advised that you should submit a request for review if you are dissatisfied with its response, however **we do not consider** that there is any requirement for you to submit a further review request to the Council, as the Council's response dated 22 November 2012 is its final response.

As noted in my letter dated 13 September 2012, the investigation into your application concentrated on the Council's failure to respond to your request dated 28 June 2012 and request for review dated 16 August 2012. As the Council has now responded to your request for review, and we note such technical failures in our case management system (so that they can be used in the Commissioner's future enforcement strategy), applicants are usually content to withdraw their technical application to the Commissioner since they have received a response. However, you are still entitled to receive a technical decision from the Commissioner, but I will need you to confirm this in writing to me by **Wednesday 5 December 2012**.

As the Council has now issued a response to your request, you can now appeal any substantial matters (if you are dissatisfied with the Council's response) to the Commissioner. For example I note that the Council withheld some information under section 30(c) of the Freedom of Information (Scotland) 2002 (FOISA).

If you do wish to submit a substantive application to the Commissioner, you will need to submit a new application to the Commissioner explaining why you are dissatisfied with the Council's response. Within this application, you can also request that the Commissioner issues a decision on the failure by the Council to respond to your request in the timescales laid down in FOISA.

Please let me know how you would like to progress with your application by **Wednesday 5 December 2012**. The options are:

- a. You are satisfied with the Council's response dated 22 November 2012 and you do not want the Commissioner to investigate the matter further.
- b. You would like the Commissioner to issue a technical decision regarding the failure of the Council to respond to your request within the timescales laid down in FOISA.
- c. You wish to submit a new substantive application to the Commissioner to consider the withholding of information by the Council and possibly the failure to respond to your request within time.

If you decide upon option c, you will need to confirm in writing that you are withdrawing your technical application and specify why you are dissatisfied with the Council's response.

If you are unclear about anything within this letter I can be contacted on 01334 464 610 during officer hours. If I do not receive a response by **Wednesday 5 December 2012**, I will assume that you wish to withdraw your current technical application.

Yours sincerely

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

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