



# Freedom of Information (Scotland) Act 2002 2002 asp 13

## PART 1

### ACCESS TO INFORMATION HELD BY SCOTTISH PUBLIC AUTHORITIES

#### *Right to information*

#### **10 Time for compliance**

- (1) Subject to subsections (2) and (3), a Scottish public authority receiving a request which requires it to comply with section 1(1) must comply promptly; and in any event by not later than the twentieth working day after—
  - (a) in a case other than that mentioned in paragraph (b), the receipt by the authority of the request; or
  - (b) in a case where section 1(3) applies, the receipt by it of the further information.
- (2) If—
  - (a) the authority is the Keeper of the Records of Scotland; and
  - (b) the information is information to which section 22(2) to (5) applies,subsection (1) applies with the substitution, for the reference to the twentieth working day, of a reference to the thirtieth working day.
- (3) Where the authority gives a fees notice to the applicant and the fee is duly paid, the working days in the period—
  - (a) beginning with the day on which that notice is given; and
  - (b) ending with the day on which the fee is received by the authority,are to be disregarded in calculating, for the purposes of subsection (1), the twentieth (or as the case may be the thirtieth ) working day mentioned in that subsection.
- (4) The Scottish Ministers may by regulations provide that subsections (1) and (3) are to have effect as if references to the twentieth (or as the case may be the thirtieth) working day were references to such other working day, not later than the sixtieth, after receipt

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*Status: Point in time view as at 27/05/2020.*

*Changes to legislation: Freedom of Information (Scotland) Act 2002, Section 10 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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by the authority of the request as is specified in, or determined in accordance with, the regulations.

- (5) Regulations under subsection (4) may—
- (a) prescribe different days in relation to different cases; and
  - (b) confer a discretion on the Scottish Information Commissioner, exercisable both at the request of the authority and where no such request has been made.

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**Modifications etc. (not altering text)**

- C1** S. 10(1)(3) modified (1.12.2016) by [The Freedom of Information \(Scotland\) Act 2002 \(Time for Compliance\) Regulations 2016 \(S.S.I. 2016/346\)](#), regs. 1, **2(2)** (with reg. 2(1))

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