

**Date** 01 August 2022

Mr P Gregson  
[request-849172-09f8453e@whatdotheyknow.com](mailto:request-849172-09f8453e@whatdotheyknow.com)

**Our ref** EDIR:36528

**Via WhatDoTheyKnow**

Dear Mr Gregson,

### **Freedom of Information (Scotland) Act 2002 – Review Response**

I write regarding your recent correspondence in which you asked us to review the outcome of your request for information under the Freedom of Information (Scotland) Act 2002, hereafter referred to as 'FOISA'.

In accordance with the legislation, the review process provides an opportunity for the authority to take a fresh look at its response in order to decide whether its original response was appropriate. The outcome of a review can be to uphold the original response, with or without modifications, or to substitute a revised response to the request.

I can confirm that I was not involved in the handling or decision-making around the original response. I must apologise for the considerable delay you have experienced in receiving a response to this internal review.

#### **Your Request** (31 March 2022)

*I seek information from the Chief Executive and the Head of Legal Services, relating to my petition, first submitted through the Council's Petitions Portal in April 2019. It was headed 'Twinning Edinburgh with Gaza City'. In total we garnered 362 signatures; I was informed on 18 February 2020 by your Petitions officer that my petition was to go before Policy & Sustainability Committee on 2nd June 2020.*

*A couple of months later the COVID pandemic broke out and I heard nothing more; I assumed that all usual Council business had been suspended.*

*When the threat of COVID began to recede in February 2022, I decided to resurrect the petition.*

*Q1a. Why was I not informed of the change in plans and that my petition was not to go before Committee on 25th June 2020?*

*Q1b. Who authorised the removal of my petition from the Council website and why?*

*Q2a. Who from the Israeli Authorities approached Edinburgh Council on the 28th March, indicating that to discuss my petition, even negatively, would count as support for Hamas and consequent criminal proceedings against Councillors?*

*Q2b. Given that the same threat had been made by UKLFI some three days prior, which the Council Legal*

*Team had clearly digested and dismissed, (possibly thanks to the material I had submitted); what was said by the Israeli Authorities that changed the Council's view regarding the legal situation?*

*Q3a. why has the Council not provided me (or the public) with the reasons why the report was pulled, beyond the scant 'full consideration to legal matters' comment that has been given out for the past three days.*

*Q3b. Can the Council indicate if Israel has forbidden them from mentioning its name in relation to the cancellation of my hearing- or has the Chief Executive/Head of Legal yet again over-ridden the stated intentions of the man elected to lead our city?*

### **The Council's Response (29 April 2022)**

*I seek information from the Chief Executive and the Head of Legal Services, relating to my petition, first submitted through the Council's Petitions Portal in April 2019. It was headed 'Twinning Edinburgh with Gaza City'. In total we garnered 362 signatures; I was informed on 18 February 2020 by your Petitions officer that my petition was to go before Policy & Sustainability Committee on 2nd June 2020.*

*A couple of months later the COVID pandemic broke out and I heard nothing more; I assumed that all usual Council business had been suspended.*

*When the threat of COVID began to recede in February 2022, I decided to resurrect the petition.*

*Q1a. Why was I not informed of the change in plans and that my petition was not to go before Committee on 25th June 2020?*

*The business of the Policy and Sustainability Committee at that time was focused on responding to the Covid 19 pandemic.*

*Q1b. Who authorised the removal of my petition from the Council website and why?*

*When petitions reach the required threshold of signatories, the petition is closed on the website, prior to being considered by Committee.*

*Q2a. Who from the Israeli Authorities approached Edinburgh Council on the 28th March, indicating that to discuss my petition, even negatively, would count as support for Hamas and consequent criminal proceedings against Councillors?*

*Unfortunately, we are unable to provide you with the information requested because it is not held by the Council. The Council has not been approached by the Israeli authorities.*

*Please note that this letter constitutes a notice under section 17 of the Freedom of Information (Scotland) Act 2002.*

*Q2b. Given that the same threat had been made by UKLFI some three days prior, which the Council Legal Team had clearly digested and dismissed, (possibly thanks to the material I had submitted); what was said by the Israeli Authorities that changed the Council's view regarding the legal situation?*

*Unfortunately, we are unable to provide you with the information requested because it is not held by the Council. The Council has not been approached by the Israeli authorities.*

*Please note that this letter constitutes a notice under section 17 of the Freedom of Information (Scotland) Act 2002*

Q3a. why has the Council not provided me (or the public) with the reasons why the report was pulled, beyond the scant 'full consideration to legal matters' comment that has been given out for the past three days.

The item was withdrawn from the committee agenda, to allow officers to give full consideration to legal matters raised since publication of the agenda. Information regarding the committee meeting is publicly available:

<https://democracy.edinburgh.gov.uk/ieListDocuments.aspx?CId=135&MId=6094&Ver=4>

If you do not have access to the Internet at home, you may be able to use facilities at your local public library or access a hardcopy version in your local council office.

Under the terms of the Act, a request for information can be refused where one or more of the exemptions listed in the Act apply. In this instance, the Council is claiming an exemption under section 25 of the Act because the information is 'otherwise accessible'.

Q3b. Can the Council indicate if Israel has forbidden them from mentioning its name in relation to the cancellation of my hearing- or has the Chief Executive/Head of Legal yet again over-ridden the stated intentions of the man elected to lead our city?

Unfortunately, we are unable to provide you with the information requested because it is not held by the Council. The Council has not been approached by the Israeli authorities.

Please note that this letter constitutes a notice under section 17 of the Freedom of Information (Scotland) Act 2002.

### **Your Request for a Review (16 May 2022)**

Dear City of Edinburgh Council,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of City of Edinburgh Council's handling of my FOI request 'Information relating to Twinning with Gaza Petition'.

Below I give my original query, the COUNCIL response, followed by my COMPLAINT against this response.

Q1a. Why was I not informed of the change in plans and that my petition was not to go before Committee on 25th June 2020?

COUNCIL: The business of the Policy and Sustainability Committee at that time was focused on responding to the Covid 19 pandemic.

### **COMPLAINT**

I see that the meeting of the 2nd June 2020 was cancelled. Firstly, I was not informed of the cancellation of the notice I had been given to speak on the 2nd June. Why was this?

Secondly, the Policy meeting following this date was held on the 11th June 2020. If one refers to the Notice of Meeting and agenda for this meeting (at <https://democracy.edinburgh.gov.uk/documents/g5513/Agenda%20frontsheet%2011th-Jun-2020%2010.00%20Policy%20and%20Sustainability%20Committee.pdf?T=0>), it is apparent that the

*business of the Policy and Sustainability is clearly NOT focussed on responding to the Covid 19 pandemic.*

*The only items of business that pertain to the pandemic were a report at 6.10 from the Executive Director of Place and motions 8.3, 8.4, 8.5 and 8.9. There would have been space on the agenda to discuss my petition; again- why was it excluded?*

*Q1b. Who authorised the removal of my petition from the Council website and why?*

*COUNCIL: When petitions reach the required threshold of signatories, the petition is closed on the website, prior to being considered by Committee.*

#### **COMPLAINT**

*The question has not been answered. I have submitted several petitions to the Council which have been closed; they are still present on the Council website. When a petition is closed, it is not removed from the Council website. For example, the first petition I ever submitted to the Council, on the 7th January 2013 was closed on the 22nd January 2013 with 515 signatures, yet it can still be found on the Council website at <https://www.edinburgh.gov.uk/directory-record/1110081/a-safer-mechanism-for-reporting-edinburgh-council-mismanagement>*

*This petition has been removed completely. An image of how it appeared on the Council site before its removal can be found at:*

*<https://www.twingaza.com/wp-content/uploads/2022/02/Council-Petition-209-sigs-1.png>*

*I repeat my question: Who authorised the removal of my petition from the Council website and why?*

*Q2a. Who from the Israeli Authorities approached Edinburgh Council on the 28th March, indicating that to discuss my petition, even negatively, would count as support for Hamas and consequent criminal proceedings against Councillors?*

*COUNCIL: Unfortunately, we are unable to provide you with the information requested because it is not held by the Council. The Council has not been approached by the Israeli authorities.*

#### **COMPLAINT**

*This is an untrue response. I present as evidence a screenshot of the text sent to me by my ward councillor Frank Ross on the 28th March 2022, which originated from the City Leader, Cllr Adam McVey, and which can be found at:*

*<https://www.twingaza.com/wp-content/uploads/2022/05/ScreenshotAdamMcVeyText28thMarch2022.jpeg>*

*It states:*

*Response from Adam "The Israeli authorities have challenged any consideration of the matter, even to negatively consider, as unlawful on grounds it "could" support Hamas- a listed terrorist organisation. It's ridiculous conjecture and the Tories we're planning to move that position too- which wouldn't have been helpful in settling any community relevant to these issues. External legal had no expertise on that part of law (fairly niche) so they're having to check."*

*This evidence contradicts the claim that the Council had not been approached by the Israeli authorities.*

*I repeat my question: Who from the Israeli Authorities approached Edinburgh Council on the 28th March, indicating that to discuss my petition, even negatively, would count as support for Hamas and consequent criminal proceedings against Councillors?*

*Q2b. Given that the same threat had been made by UKLFI some three days prior, which the Council Legal Team had clearly digested and dismissed, (possibly thanks to the material I had submitted); what was said by the Israeli Authorities that changed the Council's view regarding the legal situation?*

*COUNCIL: Unfortunately, we are unable to provide you with the information requested because it is not held by the Council. The Council has not been approached by the Israeli authorities.*

#### COMPLAINT

*This statement is untrue; see above. Please answer my question.*

*Q3a. why has the Council not provided me (or the public) with the reasons why the report was pulled, beyond the scant 'full consideration to legal matters' comment that has been given out for the past three days.*

*COUNCIL: The item was withdrawn from the committee agenda, to allow officers to give full consideration to legal matters raised since publication of the agenda. Information regarding the committee meeting is publicly available:*

*[1]<https://democracy.edinburgh.gov.uk/ieLis...>*

*If you do not have access to the Internet at home, you may be able to use facilities at your local public library or access a hardcopy version in your local council office.*

*Under the terms of the Act, a request for information can be refused where one or more of the exemptions listed in the Act apply. In this instance, the Council is claiming an exemption under section 25 of the Act because the information is 'otherwise accessible'.*

#### COMPLAINT

*The link provided gives no information as to why the item was withdrawn. For example, the Frontsheet in the link provided simply states that at item 7.8 there is a "Petition for Consideration: Twinning Edinburgh with Gaza City Report by the Interim Executive Director of Corporate Services"*

*There is none of the detailed information that I have requested.*

*I maintain that the Council cannot claim exemption under section 25 as the information is fully accessible; the Council simply refuses to release it. This is not a reasonable objection. Under the terms of the Freedom of Information Act, I expect this information to be released, as it is not subjudice.*

*Q3b. Can the Council indicate if Israel has forbidden them from mentioning its name in relation to the cancellation of my hearing- or has the Chief Executive/Head of Legal yet again over-ridden the stated intentions of the man elected to lead our city?*

*COUNCIL: Unfortunately, we are unable to provide you with the information requested because it is not held by the Council. The Council has not been approached by the Israeli authorities.*

## COMPLAINT

*By viewing the above text from the Council leader, it is clear that the Council is not telling the truth here. My question has not been answered.*

### **Our Response** (01 August 2022)

Following discussion with the applicable Service, and officers involved in compiling the Council's initial response, I can provide the following review findings:

1a. The Service cannot account as to why you were not informed of the change of plans regarding the 25 June 2020 Committee and consider it to have been a case of human error. As was explained in the initial response, due to events at that time regards the worsening of COVID-19, the Council had committed all available resource towards the provision of services and as a result many activities, including the aforementioned Committee meeting scheduled for 25 June 2020, were suspended.

1b. The Petition was removed in error by the Council's Committee Services Team and has since been placed back onto the appropriate webpage.

2a. Contrary to the assertion in your request, my review has found the Council had not been approached by the Israeli authorities regards this matter, therefore the Council's initial response is upheld.

2b. Contrary to the assertion in your request, my review has found the Council had not been approached by the Israeli authorities regards this matter, therefore the Council's initial response is upheld.

3a. As was detailed in the Council's initial response, the item was withdrawn from being heard at the Committee in order to provide the opportunity for Council Officers to give full consideration to legal matters raised since publication of the Committee agenda.

3b. My review has found the Council had not been approached by the Israeli authorities regards this matter, therefore the Council's initial response is upheld.

Having reviewed the terms of your request and undertaken discussions with the applicable Service and Officers, my review has upheld the Council's initial response in full.

If you remain unhappy with the way that the Council has handled your information request, you have a right of appeal to the Scottish Information Commissioner. You must submit your complaint to the Commissioner within 6 months of receiving this review response.



The Commissioner can be contacted at:

The Office of the Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS

Telephone: 01334 464610

Website: [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal)

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

Please note that, once the Commissioner provides you with a decision on any application made to him, you have the right to lodge an appeal against the decision on a point of law to the Court of Session.

Yours sincerely,



**Ross McEwen**

Information Governance Unit

The City of Edinburgh Council

[Information.Compliance@Edinburgh.gov.uk](mailto:Information.Compliance@Edinburgh.gov.uk)