

## SPSO decision report

**Case:** 201405151, Audit Scotland  
**Sector:** Scottish Government and devolved administration  
**Subject:** communication, staff attitude and confidentiality  
**Outcome:** upheld, recommendations

### Summary

Mr C complained that Audit Scotland failed to respond to an email asking whether they were able to investigate a complaint about a third party organisation. As no response was received to this email Mr C sought a response from Audit Scotland and, following investigation, they responded to him almost ten months later. Mr C complained that Audit Scotland unreasonably delayed responding to his earlier email, that they unreasonably shared details of his complaint with the third party organisation and that the quality of the investigation of his complaint was poor.

Audit Scotland acknowledged, and apologised to Mr C for the delay in responding to, his complaint. They upheld this element of his complaint. They did not uphold the elements relating to a potential breach of his confidentiality and failures in their investigation of his complaint. As Mr C remained unhappy, he complained to us.

We noted the steps taken by Audit Scotland prior to Mr C coming to us. We also noted that Mr C had not given his permission for them to pass his details to the third party organisation, nor had they demonstrated that Mr C had made his complaint known to the third party organisation himself. As this was, in our view, a breach of their own procedures, we upheld his complaint.

### Recommendations

We recommended that Audit Scotland:

- apologise to Mr C for making his identity known to the third party agency without his permission and without evidence that he had made his identity publicly known; and
- apologise to Mr C for stating the outcomes he was seeking were outwith their complaints procedure.