



Scottish Information
Commissioner
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Decision Notice 107/2025

Fire safety figures and event data for specified property

Authority: Scottish Fire and Rescue Service
Case Ref: 202401612

Summary

The Applicant asked the Authority for fire safety figures and event data relating to a particular property on specified dates. The Authority stated that it did not hold the information requested. The Commissioner investigated and was satisfied that the Authority did not hold the information requested.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2) and (4) (General entitlement); 17(1) (Notice that information is not held); 47(1) and (2) (Application for decision by Commissioner)

The full text of each of the statutory provisions cited above is reproduced in Appendix 1 to this decision. The Appendix forms part of this decision.

Background

1. On 30 August 2024, the Applicant made a three-part request for information to the Authority, which included the following:

“Please provide me with the fire safety figures recorded on 1 April 2023 at [specified address] (range 16:00-20:00)

Also a similar request and in a similar room

October 6 (range 15:00-16:30)

Is there any event data registered in the event log”

2. The remaining parts of the request do not form part of the Applicant’s application to the Commissioner.
3. The Authority responded on 25 September 2024. It informed the Applicant that, despite extensive searches, no trace of attendance was found on the dates cited. The Authority explained that, as the Applicant had not provided a year for the incident on 6 October, it had checked both 2022 and 2023. In terms of section 17(1)(b) of FOISA, the Authority gave the Applicant notice that it did not hold the information requested.
4. On 30 September 2024, the Applicant wrote to the Authority requesting a review of its decision. The Applicant was dissatisfied with the decision because he believed that the Authority held the information requested.
5. Having received no response to his requirement for review within 20 working days, on 21 November 2024 the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA, based on the Authority’s failure to respond.
6. The Authority notified the Applicant of the outcome of its review on 4 December 2024. It upheld its original decision that, in terms of section 17(1)(b) of FOISA, it did not hold the information requested.
7. On 8 December 2024, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. The Applicant stated that he was dissatisfied with the outcome of the Authority’s review because he believed that the Authority held the information requested.
8. On 15 January 2025, the Commissioner issued [Decision 004/2025](#)¹, in respect of the application made by the Applicant on 21 November 2024, finding that the Authority had failed to comply with section 21(1) (Review by Scottish public authority) of FOISA. However, given that, by that time, the Authority had issued its substantive review outcome, the Commissioner did not require it to take any action.

Investigation

9. The Commissioner determined that the application submitted on 8 December 2024 complied with section 47(2) of FOISA and that he had the power to carry out an investigation.
10. On 16 January 2025, the Authority was notified in writing that the Applicant had made a valid application and the case was subsequently allocated to an investigating officer.

¹ <https://www.foi.scot/decision-0042025>

11. Section 49(3)(a) of FOISA requires the Commissioner to give public authorities an opportunity to provide comments on an application. The Authority was invited to comment on this application and to answer specific questions. These focussed on the searches undertaken by the Authority to establish whether it held any information falling within the scope of the request.

Commissioner's analysis and findings

12. The Commissioner has considered all of the submissions made to him by the Applicant and the Authority.

Does the Authority hold any relevant information?

13. Section 1(1) of FOISA provides that a person who requests information from a Scottish public authority which holds it is entitled to be given that information by the public authority, subject to qualifications which, by virtue of section 1(6) of FOISA, allow Scottish public authorities to withhold information or charge a fee for it. The qualifications contained in section 1(6) are not applicable in this case.
14. The information to be given is that held by the Authority at the time the request is received, as defined by section 1(4). This is not necessarily to be equated with information that an applicant believes the public authority should hold. If no such information is held by the public authority, section 17(1) of FOISA requires the authority to give the applicant notice in writing to that effect.
15. The standard of proof to determine whether a Scottish public authority holds information is the civil standard of the balance of probabilities. In determining where the balance of probabilities lies, the Commissioner considers the scope, quality, thoroughness and results of the searches carried out by the public authority. He also considers, where appropriate, any reason offered by the public authority to explain why it does not hold the information. While it may be relevant as part of this exercise to explore expectations about what information the authority should hold, ultimately the Commissioner's role is to determine what relevant recorded information is (or was, at the time the request was received) actually held by the public authority.
16. The Commissioner has taken account of the arguments in both the Applicant's requirement for review and his application, in which he provide reasons why he considers the Authority may hold the information requested.
17. In its submissions to the Commissioner, the Authority maintained that it held no information falling within the scope of the Applicant's request. It stated that, as the Applicant had been specific in relation to the relevant times and dates, it had applied these to all searches for information.
18. The Authority explained and provided evidence of the searches carried out, in support of its position that it held no relevant information. It explained that all Freedom of Information Officers had full access to all incident data, including access rights to the Authority's three Command and Control systems, all Home Office Incident Recording Systems (IRS) and the Power BI Business Intelligence reporting system which records all incidents attended by the Authority.

19. The Authority explained that all incidents attended are transferred from the Command and Control systems to the Home Office IRS and tracked to Power BI, however searches carried out of Power BI identified no reported incidents.
20. In light of the above, the Authority also searched the Dundee Operations Control Vision BOSS system, which also records where the Authority had been informed of an incident, but where no attendance was required and no appliance mobilised. It explained that incidents of this type would not be recorded on Power BI or the Home Office IRS. The Authority confirmed that searches of Vision BOSS identified no relevant reported incidents.
21. Despite extensive searches of the Home Office IRS and the Command and Control systems, the Authority identified no trace of attendance on the dates specified and, even if the Authority had been alerted to an incident but not mobilised, the incident would have been recorded on Vision BOSS. Having searched all relevant systems and having exhausted all search criteria, the Authority concluded that it had not attended, and had not been alerted to, any incidents at the address specified in the Applicant's request, on the dates stated.
22. The Authority further explained that there was a delay on automated fire alarm systems which allows duty-holders time to investigate an alarm actuation before they are required to notify the fire service of an incident. It suggested that the Applicant might have information relating to an incident where the alarm may have been reset by the duty-holder, for example, where the duty-holder had investigated and there was no fire, and so the Authority was not notified of this actuation. The Authority stated that it did not hold this information, as it was not notified of these actuations. Where duty-holders inform the Authority of test actuations to advise that no attendance is required, this would be recorded on Vision BOSS, however the searches carried out did not identify any such notifications.
23. In conclusion the Authority was satisfied that it did not hold the information requested.

The Commissioner's views

24. Having considered all relevant submissions and the terms of the request, the Commissioner is satisfied that the Authority took adequate, proportionate steps in the circumstances to establish whether it held any information that fell within the scope of the request.
25. The Commissioner notes that the Applicant believes the Authority may have held the information requested. The Authority has explained why it does not hold that information.
26. The Commissioner has considered the explanations provided by the Authority along with the evidence of the searches carried out which appear, to him, to be detailed and robust. Having done so, he is satisfied that these searches would have been capable of identifying any information held by the Authority relevant to the request.
27. In the circumstances, therefore, the Commissioner is satisfied, on the balance of probabilities, that the Authority does not (and did not, on receipt of the request) hold any information falling within the scope of the Applicant's request. He finds that the Authority was therefore correct to give notice, in terms of section 17(1) of FOISA, that it did not hold the information requested.

Decision

The Commissioner finds that the Authority complied with Part 1 of the Freedom of Information (Scotland) Act 2002 in responding to the information request made by the Applicant.

Appeal

Should either the Applicant or the Authority wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

Jill Walker
Deputy Head of Enforcement

30 April 2025