



Scottish Information
Commissioner
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Decision Notice 143/2025

Whether request was vexatious

Authority: East Lothian Council
Case Ref: 202500507

Summary

The Applicant asked the Authority how much money was transferred to and from different services within the Authority over a 35-year period. The Authority refused to comply as it considered the request to be vexatious. The Commissioner investigated and found that the request was vexatious and that the Authority was not obliged to comply.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 sections 1(1), (2) and (6) (General entitlement); 14(1) (Vexatious or repeated requests); 47(1) and (2) (Application for decision by Commissioner).

Background

1. On 17 February 2025, the Applicant made a request for information to the Authority. He asked:

“How much money has been transferred to and from different services within [the Authority] over the last 35 years, which is tantamount to money laundering and serious misconduct and fraud and deception, as declared very clearly by [named individual] in her correspondence which was sent out previously in freedom of information act request bundles.”
2. The Authority responded on 6 March 2025. It notified the Applicant that it was refusing to comply with the request as it considered it to be vexatious in line with section 14(1) of FOISA.

3. On 11 March 2025, the Applicant wrote to the Authority requesting a review of its decision. He stated that he was dissatisfied with the decision because he considered the Authority was victimising him and trying to hide information.
4. The Authority notified the Applicant of the outcome of its review on 14 March 2025, which fully upheld its original decision.
5. On 4 April 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. He stated that he was dissatisfied with the outcome of the Authority's review because he disagreed that his request was vexatious.

Investigation

6. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.
7. On 8 April 2025, the Authority was notified in writing that the Applicant had made a valid application. The case was subsequently allocated to an investigating officer.
8. 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.

Commissioner's analysis and findings

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

Section 14(1) – Vexatious or repeated requests

10. Under section 14(1) of FOISA, a Scottish public authority is not obliged to comply with a request for information if the request is vexatious.
11. The Commissioner's [guidance](#)¹ on the application of section 14(1) of FOISA states:

"There is no definition of 'vexatious' in FOISA. The Scottish Parliament considered that the term 'vexatious' was well-established in law and chose to give the Commissioner latitude to interpret the term in that context, so that the interpretation might evolve over time in light of experience and precedent."
12. In the Commissioner's view, there is no single formula or definitive set of criteria that allow a formulaic approach to be taken to determining whether a request is vexatious. Each request must be considered on the merits of the case, supported by evidence, clear evaluation and reasoning. Although this is not an exhaustive list, the following factors will be relevant to a finding that a request (which may be the latest in a series of requests or other related correspondence) is vexatious:
 - (i) it would impose a significant burden on the public authority
 - (ii) it does not have a serious purpose or value

¹ [BriefingSection14VexatiousorRepeatedRequests.pdf](#)

- (iii) it is designed to cause disruption or annoyance to the public authority
 - (iv) it has the effect of harassing the public authority; or
 - (v) it would otherwise, in the opinion of a reasonable person, be considered to be manifestly unreasonable or disproportionate.
13. Depending on the circumstances, other factors may be relevant, provided that the authority can support them with evidence. The Commissioner recognises that each case must be considered on its own merits, taking all the circumstances into account.
14. While the Commissioner's view is that "vexatious" must be applied to the request and not the requester, he acknowledges that the applicant's identity, and the history of their dealings with the authority, may be relevant in considering the nature and effect of a request and its surrounding circumstances. It may be reasonable, for example, for an authority to conclude that a request represents a continuation of a pattern of behaviour it has deemed vexatious in another context.
15. The guidance also says that requesters must not be denied the opportunity to make a genuine information request. Requests may be inconvenient and meeting them may at times stretch an authority's resources, but these factors are not, on their own, sufficient grounds for an authority to deem a request vexatious.

Submissions from the Authority

16. The Authority explained that it considered the Applicant's request with regard to the five factors set out above at paragraph 12.
17. The Authority described the Applicant's request as "excessively broad" in that it covered an extensive period of time (35 years) and an extremely high number of transactions over this period. To produce this information, it would need to dedicate a disproportionately high amount of staff time, such that the normal business of the Authority would be significantly impacted.
18. The Authority noted that the Applicant had framed his request with reference to "money laundering", "serious misconduct" and "fraud". It stated that it could see no connection between the information requested and any conclusions regarding these allegations. It explained that financial transactions regularly take place as part of normal, lawful business and the information requested would have no value for the Applicant's apparent purposes (particularly given the sheer volume of information requested). It therefore concluded that the Applicant's request had no serious purpose or value.
19. The Authority recognised that in determining whether a request is vexatious, it is the request and not the requester that must be the primary consideration. However, in this case, it considered the Applicant's history of dealings with the Authority relevant. It argued that the request in this case was the latest in a campaign by the Applicant designed to cause disruption to the Authority.
20. The Authority submitted that, regardless of the Applicant's intentions, the request had the effect of harassing the Authority – particularly when viewed in the context of his other contact. Over a number of years, it had recorded a "very high volume" of contact from the Applicant in the form of information requests, comments and complaints – many of which made unfounded allegations of corruption and misconduct by the Authority's employees and elected members.

21. In response to his excessive level of contact with the Authority, the Authority explained that the Applicant is presently bound by Authority policy and the terms of an active Anti-Social Behaviour Order to correspond with the Authority exclusively via a Single Point of Contact (SPOC). Since 1 January 2025, the SPOC has recorded 71 emails from the Applicant.
22. When the Applicant's request was viewed in the wider context of his previous contact, the Authority argued that it had the effect of harassment "enacted as a campaign over time", with the primary intention being to vent anger rather than to access information.
23. The Authority stressed that it did not consider all information requests from the Applicant to be vexatious. It said it had progressed 14 information requests of his from the start of the year and that it considered all of his requests on a case-by-case basis. However, it argued the request in this case would be particularly burdensome to comply with and, when viewed in the context of the Applicant's history of contact, it had the effect of harassing the Authority.
24. In view of the above, the Authority considered that the Applicant's request would, in the opinion of a reasonable person, be considered to be manifestly unreasonable or disproportionate.

Submissions from the Applicant

25. The Applicant explained that he had been having issues with the Authority for over 25 years and that information had previously been deliberately withheld from him.
26. The Applicant stated that he disagreed that his request was vexatious and he could only presume that the Authority had a "vast amount of information to hide".

The Commissioner's view

27. The Commissioner has taken account of all of the relevant submissions provided by both the Applicant and the Authority.
28. The Commissioner has considered the specific terms of the request, which asked how much money had been transferred to and from different services within the Authority over a 35-year period – a process the Applicant described as "tantamount to money laundering and serious misconduct and fraud and deception".
29. The Commissioner accepts that to comply with the Applicant's request would, given its scope and scale, impose a significant burden on the Authority, which would result in a significant impact on the normal business of the Authority. He considers this relevant in the circumstances, even if it would not necessarily make the request vexatious on its own.
30. While FOISA does not require requesters to share their motives for seeking information, the language used by the Applicant indicates that the request is intended to support his belief that the Authority has engaged in acts of criminality. The Commissioner is not persuaded that the information sought, even if it could be located and provided without imposing a significant burden on the Authority, would reasonably assist in understanding or scrutinising the Authority's actions. He accepts the Authority's contention that there is no self-evident connection between inter-service transactions and the kinds of criminality referred to in the request.
31. Having reviewed the submissions provided by the Authority, the Commissioner is satisfied that it was reasonable for it to consider previous correspondence and interactions with the Applicant when deciding whether the request in question should be treated as vexatious.

32. In this context, the Commissioner agrees that the Applicant's previous correspondence and interactions with the Authority support the conclusion that the primary purpose of the request in this case (particularly given how it was framed) was not a genuine attempt to obtain information, but a means to further the Applicant's dissatisfaction with the Authority. In all the circumstances (and particularly the context described), the Commissioner considers it reasonable to identify the request as harassment, and manifestly unreasonable and disproportionate.
33. In all of the circumstances, the Commissioner is therefore satisfied that the Authority was entitled to refuse to comply with the request in line with section 14(1) of FOISA.
34. The Commissioner would like to make clear (as the Authority appears to accept) that his finding in this decision does not mean that any request from the Applicant to the Authority would necessarily be vexatious. The right to request information is an important legal right. It should not be abused, but the provisions within section 14(1) of FOISA must still be used carefully, which means authorities must always consider requests on their own merits and consider all the relevant circumstances, in order to reach a balanced conclusion as to whether a request is vexatious.

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.

Euan McCulloch
Head of Enforcement

11 June 2025