



Scottish Information
Commissioner
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Decision Notice 190/2025

Whether request was vexatious

Applicant: Anonymous

Authority: University of Edinburgh

Case Ref: 202301235

Summary

The Applicant asked the Authority for information relating to the termination of an agreement between the Authority and a named company. 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 24 April 2023, the Applicant made the following request for information to the Authority:
“I am requesting for the internal minutes of meetings, reports, and email messages (dated 2017 and 2018 only) between [named persons], and the [Authority’s] staff, in relation to the termination of the agreement between the [Authority] and [named company].”
2. The Authority responded on 3 May 2023. 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 4 May 2023, the Applicant wrote to the Authority requesting a review of its decision. He stated that he was dissatisfied with the decision because he disagreed that his request was

vexatious and said that he would “ask a judge to issue a court order” for the information requested.

4. The Authority notified the Applicant of the outcome of its review on 22 May 2023, which fully upheld its original decision.
5. On 12 October 2023, 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 12 October 2023, and in line with section 49(3)(a) of FOISA, the Commissioner gave the Authority notice in writing of the application and invited its comments. The Authority provided its comments.
8. The case was subsequently allocated to an investigating officer.
9. During the investigation, the Authority was asked to provide certain information related to points it had made in the comments it had provided to the Commissioner. The Authority provided the information. The Applicant also provided further information to the Commissioner during the investigation.

Commissioner’s analysis and findings

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

Section 14(1) – Vexatious or repeated requests

11. 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.
12. The Commissioner’s [guidance](#)¹ on the application of section 14(1) of FOISA states:
13. “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.”
14. 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:

¹ [BriefingSection14VexatiousorRepeatedRequests.pdf](#)

- (i) it would impose a significant burden on the public authority
 - (ii) it does not have a serious purpose or value
 - (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.
15. 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.
 16. 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.
 17. 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

18. The Authority provided detailed submissions explaining why it considered the Applicant's request vexatious in terms of section 14(1) of FOISA. The Commissioner is unable to fully summarise these submissions, within this decision notice, without breaching the obligation of confidentiality in section 45 of FOISA.
19. The Authority explained that the Applicant is the co-owner and director of the named company (a student recruitment agency based abroad) referred to in his request. It said that it had previously held a contract with the named company, which it had chosen not to renew in 2018. It confirmed that it did not "terminate" the contract, but that it had expired.
20. Despite not being required to provide an explanation for allowing the contract to expire, the Authority noted that it had provided one to the Applicant. A senior member of staff also met with the Applicant in person in June 2019 to provide a further explanation.
21. However, since the contract expired in 2018, the Authority said that the Applicant had "pursued" the Authority, including by making serious allegations against staff members and raising vexatious legal action against them. In particular:
 - since 2018, the Applicant (either directly or through others on his behalf) had submitted at least 21 FOI requests to the Authority (a number of which were subject to internal review) and two subject access requests. The Authority said that these requests were on similar topics and often contained accusations against the University and certain staff members
 - the Applicant had sent numerous messages to senior staff at the University, seeking to discredit staff in the Student Recruitment and Admission and Edinburgh Global teams based on their qualifications and academic backgrounds

- in 2019, the Applicant approached a staff member of the Authority at a recruitment event in his home country, shouting at them in an aggressive manner and making threats relating to their immigration status. The Authority said this was witnessed by a large audience and that it considered this behaviour to constitute bullying and harassment.
22. As a result of the incident in 2019, and in view of threats from the Applicant to have staff members arrested should they visit, the Authority banned any staff from its admissions team from traveling to the Applicant's home country for work purposes. It said that it reasonably had concerns for the safety of staff if they were to travel.
 23. The Authority identified eight examples of emails sent by the Applicant (predating the review outcome), which either referred to the arrest or extradition of staff members of the Authority or which otherwise make abusive or accusatory comments. It provided examples of these emails to the Commissioner and noted that it denied the allegations made by the Applicant in these emails.
 24. The Authority explained that it had also considered the five factors (set out in paragraph 14) that are relevant to a finding that a request is vexatious.
 25. In terms of the burden imposed, the Authority said that the volume and nature of the requests and other correspondence received since 2018 had imposed a significant burden on it, both in terms of resource and cost. It also noted that the burden was increased by the often "accusatory" nature and tone of the correspondence and the need to offer additional support to staff members impacted by this.
 26. In terms of the remaining factors, the Authority explained that it had made every effort to explain its decision not to renew the contract with the named company. It provided a timeline of its interactions with the named company in 2018 and 2019 on this matter. Despite this, the Authority said the Applicant refused to accept the reasons provided for the non-renewal of the contract (which he continued to refer to, including in the request in this case, as having been terminated).

Submissions from the Applicant

27. In his application to the Commissioner, the Applicant said that the Authority had claimed his request was vexatious and that it would not disclose the information requested unless it heard from the police or the courts. He said he had therefore provided the Authority with both police reports and court subpoenas. He noted that the Authority had not responded to these, which he described as "obstruction of justice".
28. The Applicant subsequently clarified that he disagreed that his request was vexatious and said that he genuinely required the information requested to:
 - understand the "true reasons" the Authority made "wrongful termination" of the contract
 - improve the named company's business communication with other universities, to prevent the same possible mistakes
 - use it as "evidence in 4 legal cases in the courts of justice and 3 police investigations".
29. The Applicant provided copies of documents that he asked the Commissioner to take into consideration. These included:

- a letter addressed to the staff member at the Authority who issued the review outcome for his request in this case, wherein he disputed much of the evidence provided by the Authority in support of its view that his request was vexatious
 - a copy of a complaint he had submitted to a District Civil Court in his home country, which set out the Authority's alleged wrongdoing in related matters
 - a letter that explained the background to his application and provided further reasons why he did not consider his request vexatious in terms of section 14(1) of FOISA, including extracts from previous decisions of the Commissioner that he considered relevant.
30. The Commissioner has fully considered the content of these documents, but he will not reproduce them in his decision notice. However, he notes that the Applicant said that he had initiated multiple lawsuits against the Authority and that the requested information was important to these hearings. He submitted that the Authority treating his request as "vexatious" was a "baseless claim designed to obstruct the release of potentially damaging information".

The Commissioner's view

31. The Commissioner has taken account of all of the relevant submissions provided by both the Applicant and the Authority.
32. Taken in isolation, the Applicant's request might not appear to be vexatious. However, the vexatious nature of a request may only emerge after considering it in the context created by previous correspondence.
33. The Commissioner is satisfied, having reviewed the submissions provided by the Authority, that it was reasonable for the Authority to consider previous correspondence with the Applicant when deciding whether this request should be treated as vexatious.
34. Given the history and nature of the Applicant's correspondence (as set out in the Authority's submissions), the Commissioner is also satisfied that the Authority was entitled to conclude that this request was vexatious.
35. While FOISA does not require requesters to share their motives for seeking information, it is clear from the submissions of both the Authority and the Applicant that his request was intended to obtain information to support his belief that the Authority has engaged in acts of civil and criminal wrongdoing and to further his various legal actions against the Authority.
36. The Commissioner is not persuaded that the information sought, if held, would reasonably assist in understanding or scrutinising the Authority's actions in relation to it deciding not to renew its contract with the named company. The Authority provided evidence to the Commissioner of the contact it had with the Applicant to explain this decision. It is clear their respective positions cannot be reconciled, and the Commissioner does not consider that disclosure of any information in response to the request in this case would shed any further light or provide additional clarity on the matter.
37. Freedom of information law is not intended to serve as a mechanism for pursuing individual or commercial disputes with public authorities. While it may, depending on the circumstances, be an appropriate means of obtaining related information, it is unlikely in itself to be a viable means of taking forward the resolution of irreconcilable positions. In this case, however, the Applicant does appear to be using it as part of his campaign to wear the Authority down into accepting his point of view, an approach which appears unlikely to

succeed. Alternative legal channels exist for such purposes, and it is through these channels that such concerns should be properly addressed. The Commissioner notes that the Applicant has indicated an intention to pursue legal action, which, whatever its merits, would (if pursued through a court with appropriate jurisdiction) appear to be the most appropriate avenue to take forward his concerns relating to the Authority's decision not to renew its contract with the named company.

38. Having reviewed the Authority's submissions on the nature and tone of some of the Applicant's communication, the Commissioner also accepts that, when assessed cumulatively, it has had the effect of harassing the Authority and particular members of staff.
39. The Commissioner would not view behaviour as unacceptable simply because an individual is determined, forceful or persistent. However, he is satisfied, in the circumstances, that the Applicant's behaviour went beyond that – particularly when his various references to alleged acts of civil and criminal wrongdoing (and associated legal actions) are considered.
40. Section 45 of FOISA makes it a criminal offence for the Commissioner or a member of his staff to disclose without lawful authority information which he has obtained, or which has been furnished to him, under or for the purposes of FOISA if the information is not at the time of the disclosure, and has not previously been, available to the public from another source.
41. In the circumstances, the Commissioner does not consider it possible to set out in greater detail the reasons for his conclusions without potentially breaching section 45 of FOISA.
42. However, having carefully considered all relevant submissions, 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.
43. The Commissioner would like to make clear 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

30 July 2025