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Commissioner  
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# Decision Notice 253/2025

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## Whether request was vexatious or manifestly unreasonable

Applicant: Anonymous

Authority: Glasgow City Council

Case Ref: 202500353

### Summary

The Applicant asked the Authority for information relating to a Rejection Notice he received for contravention of the Authority's Low Emission Zone. The Authority considered that responding to the request would be manifestly unreasonable. The Commissioner investigated and agreed that the request was manifestly unreasonable, and so the Authority was not obliged to respond.

### Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2) and (6) (General entitlement); 2(1)(b) (Effect of exemptions); 14(1) (Vexatious or repeated requests); 39(2) (Health, safety and the environment); 47(1) and (2) (Application for decision by Commissioner).

The Environmental Information (Scotland) Regulations 2004 (the EIRs) regulations 2(1) (definition of "the Act", "the applicant" and "the Commissioner" and the definition of "environmental information") (Interpretation); 5(1) and (2)(b) (Duty to make environmental information available on request); 10(1), (2) and (4)(b) (Exceptions from duty to make environmental information available); 17(1), (2)(a), (b) and (f) (Enforcement and appeal provisions).

### Background

1. On 28 January 2025, the Applicant made a request for information to the Authority. He asked 18 questions relating to a Rejection Notice he had received for contravention of the Authority's Low Emission Zone (LEZ). The full text of the request (subject to some redactions of information that might identify the Applicant) is set out in Appendix 1.

2. The Authority responded on 13 February 2025 in terms of the EIRs. It refused to comply with the request, under regulation 10(4)(b) of the EIRs, on the basis that the request was manifestly unreasonable.
3. On 15 February 2025, the Applicant wrote to the Authority requesting a review of its decision. He stated that he was dissatisfied with the decision because:
  - he disagreed with the Authority's decision to handle his request under the EIRs
  - he had "simply" required "proof" when asking the questions set out in his request
  - he considered that he had not asked the questions set out in his request before.
4. The Authority notified the Applicant of the outcome of its review on 7 March 2025, which fully upheld its original decision.
5. On 9 March 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. By virtue of regulation 17 of the EIRs, Part 4 of FOISA applies to the enforcement of the EIRs as it applies to the enforcement of FOISA, subject to specified modifications. The Applicant stated that he was dissatisfied with the outcome of the Authority's review because he disagreed with the Authority's decision to handle his request under the EIRs rather than FOISA and that his request was vexatious or manifestly unreasonable.

## **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 26 March 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 related to why it responded in terms of the EIRs, its justification for applying the exception in regulation 10(4)(b) of the EIRs and its consideration of the public interest test.

## **Commissioner's analysis and findings**

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

### ***Handling in terms of the EIRs***

10. Environmental information is defined in regulation 2(1) of the EIRs. Where information falls within the scope of this definition, a person has a right to access it under the EIRs, subject to various restrictions and exceptions contained in the EIRs.

11. The relationship between FOISA and the EIRs was considered at length in [Decision 218/2007](#). Broadly, in light of that decision, the Commissioner's general position is as follows:
- (i) The definition of what constitutes environmental information should not be viewed narrowly.
  - (ii) There are two separate statutory frameworks for access to environmental information, and an authority is required to consider any request for environmental information under both FOISA and the EIRs.
  - (iii) Any request for environmental information therefore must be handled under the EIRs. In responding to a request for environmental information under FOISA, an authority may claim the exemption in section 39(2).
  - (iv) In responding to a request for environmental information under FOISA, an authority may claim the exemption in section 39(2).
  - (v) If the authority does not choose to claim the section 39(2) exemption, it must respond to the request fully under FOISA: by providing the information; withholding it under another exemption in Part 2; or claiming that it is not obliged to comply with the request by virtue of another provision in Part 1 (or a combination of these).
  - (vi) Where the Commissioner considers a request for environmental information has not been handled under the EIRs, he is entitled (and indeed obliged) to consider how it should have been handled under that regime.
12. Having considered the focus of the Applicant's request and submissions on this point from the Authority, the Commissioner accepts that the Authority was entitled to deal with most of the Applicant's request solely under the EIRs. He agrees that the Applicant's request is broadly focused on information connected to the Authority's LEZ and the enforcement of PCNs issued in relation to contraventions of the LEZ. He is satisfied that this information falls within the definition of environmental information in regulation 2(1) of the EIRs.
13. It is not clear whether the Applicant's requirement for review or his application intended to challenge the Authority's response to his request as a whole or only its response to specific questions. In the circumstances, the Commissioner has elected to interpret the Applicant's requirement for review and his application broadly (i.e. to encompass the Authority's response to his request as a whole).
14. Given the focus of the Applicant's request as a whole, the Commissioner understands why the Authority responded solely in terms of the EIRs. However, he is not satisfied that the connection between each part of the request and the environment is sufficient (e.g. question 6 of the request) that it was appropriate for the Authority to consider the request solely under the EIRs. (As stated above, the full terms of the request are set out in Appendix 1.)
15. The Commissioner would also note that he can see no detriment to the Applicant by the Authority having considered his request solely under the EIRs, particularly given the Authority stated that it would apply section 14(1) of FOISA if the Commissioner found that the request ought to have been responded to under that regime.
16. To the extent that the Authority failed to respond to parts of the Applicant's request in terms of FOISA rather than the EIRs, the Commissioner must find that the Authority failed to comply with section 1(1) of FOISA in this respect.

### ***Section 39(2) of FOISA – Environmental information***

17. The exemption in section 39(2) of FOISA provides, in effect, that environmental information (as defined by regulation 2(1) of the EIRs) is exempt from disclosure under FOISA, thereby allowing any such information to be considered solely in terms of the EIRs.
18. In this case, as stated above, the Authority responded to the Applicant's request solely under the EIRs.
19. The Commissioner finds that the Authority was entitled to apply this exemption to most of the information requested, given his conclusion that most of the information requested was properly classified as environmental information.
20. As there is a separate statutory right of access to environmental information available to the Applicant in this case, the Commissioner accepts, in all the circumstances, that the public interest in maintaining this exemption (and responding to most of the request under the EIRs) outweighs any public interest in disclosing the information under FOISA
21. However, the Commissioner has found that some of the information requested was not environmental information and that the Authority should therefore have responded to some of the Applicant's request in terms of FOISA rather than the EIRs.
22. As stated above, the Authority stated that it would apply section 14(1) of FOISA if the Commissioner found that the Applicant's request ought to have been responded to under that regime.
23. The Commissioner will therefore now go on to consider whether the Authority was entitled to apply section 14(1) of FOISA (to the extent the information is not environmental) and regulation 10(4)(b) of the EIRs (to the extent the information is environmental) to the Applicant's request.

### ***Regulation 5(1) of the EIRs and section 1(1) of FOISA – Duty to make environmental information available***

24. Regulation 5(1) of the EIRs (subject to the various qualifications contained in regulations 6 to 12) requires a Scottish public authority which holds environmental information to make it available when requested to do so.
25. Under the EIRs, a public authority may refuse to make environmental information available if one or more of the exceptions in regulation 10 applies.
26. 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 authority, subject to qualifications which, by virtue of section (6) of FOISA, allow Scottish public authorities to withhold information or charge a fee for it. The qualifications contained in 1(6) are not applicable in this case

### ***Regulation 10(4)(b) of the EIRs and section 14(1) of FOISA – Manifestly unreasonable and vexatious requests***

27. Regulation 10(4)(b) of the EIRs provides that a Scottish public authority may refuse to make environmental information available to the extent that the request for information is manifestly unreasonable.
28. In considering whether the exception applies, the authority must interpret it in a restrictive way and apply a presumption in favour of disclosure. Even if it finds that the request is

manifestly unreasonable, it is still required to make the information available unless, in all the circumstances, the public interest in doing so is outweighed by that in maintaining the exception

29. Similarly, in terms of section 14(1) of FOISA, a Scottish public authority is not obliged to comply with a request for information made under section 1(1) if the request is vexatious (although this provision is not subject to the public interest test).
30. Neither FOISA nor the EIRs define “vexatious” or “manifestly unreasonable”. However, the Commissioner’s general approach is that the following factors are relevant when considering whether a request is vexatious or manifestly unreasonable:
  - (i) it would impose a significant burden on the public body.
  - (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 manifestly unreasonable or disproportionate.
31. This is not an exhaustive list. Depending on the circumstances, other factors may be relevant, provided the impact on the authority can be supported by evidence. The Commissioner recognises that each case must be considered on its merits, taking all the circumstances into account.
32. While the Commissioner's view is that the terms "vexatious" and “manifestly unreasonable” must be applied to the request and not the requester, he acknowledges that an applicant's identity, and the history of their dealings with a public authority, may be relevant in considering the nature and effect of a request and its surrounding circumstances. It may be reasonable, for example, for the authority to conclude that a request represents a continuation of a pattern of behaviour it has deemed vexatious in another context.

#### *The Applicant’s submissions*

33. The Applicant said that it was evident that his requests were being “frustrated” by individuals at the Authority who were accusing him of being vexatious when he had “the right to know who sits in judgement” and “who to write to in order to ensure the [Authority’s] employees are being monitored correctly”.
34. The Applicant submitted that the fact that the Authority had referred to him as “vexatious”, “causing disruption” to the Authority and “harassing” employees of the Authority clearly showed that procedures were being used to interfere with his FOI rights. He said that he was unhappy with the Authority’s response to his request as he felt that information was being concealed.

#### *The Authority’s submissions*

35. The Authority explained that it considered that the Applicant was trying to further a grievance with the Authority regarding the LEZ after being issued with a Penalty Charge Notice (PCN) following a contravention within the LEZ.
36. The Authority said that the Applicant had made previous requests relating to this same issue since late 2023, a sample of which it provided to the Commissioner. It argued that this

sample clearly showed that the Applicant was seeking to further a grievance with the Authority rather than properly exercising his rights under FOI law and that his request therefore did not serve any serious purpose.

37. The Authority said that it had provided answers where possible to the Applicant's previous requests. However, it noted that the Applicant's requests were somewhat incoherent and said that he was clearly not seeking to utilise FOI law for its intended purpose.
38. The Authority considered that the tone and wording used by the Applicant in his current request indicated that he was simply seeking to challenge the validity of the numerous PCNs issued to him due to his contravention of the LEZ. It said that it had advised the Applicant how and why it is able to issue and collect PCN in relation to the enforcement of the LEZ, but that the Applicant simply disagreed with the enforcement of the LEZ.
39. The Authority noted that the Commissioner's guidance on vexatious and manifestly unreasonable requests said that an applicant's history of dealings with a public authority may be relevant. It submitted that the Applicant's request in this case was a continuation of a pattern of previous requests that made this request manifestly unreasonable. It argued that the point it considered the Applicant was seeking to make (i.e. that he disagrees with the LEZ and the enforcement of PCNs following his contravention of the LEZ) was not a well-founded campaign.
40. The Authority also considered that the Applicant was clearly seeking to harass and cause disruption to the Authority by misusing FOI law in order to further a personal grievance.
41. In support of its position, the Authority also referred to a series of previous decisions of the Commissioner as well as relevant caselaw. The Commissioner will not reproduce these submissions here, but he has taken them into account.
42. In summary, the Authority's submitted that the Applicant's request was vexatious under section 14(1) of FOISA and manifestly unreasonable under regulation 10(4)(b) of the EIRs, and that, due to his history of related requests, the Authority's application of these provisions should be upheld.

#### *The Commissioner's view*

43. The Commissioner has taken account of all the relevant submissions and supporting evidence from the Applicant and the Authority, as well as the terms of the multiple questions in the Applicant's request.
44. As rehearsed earlier, the vexatious or manifestly unreasonable nature of a request may only emerge after considering it in the context created by previous correspondence. The Commissioner is satisfied, having reviewed the submissions provided, that it was reasonable for the Authority to consider the Applicant's history of dealings with it when deciding whether the request in question should be treated as vexatious or manifestly unreasonable.
45. Given the history and nature of the Applicant's dealings with the Authority (as set out in the Authority's submissions), the Commissioner is also satisfied that the Authority was entitled to conclude that the request in question was vexatious or manifestly unreasonable.
46. Specifically, the Commissioner is satisfied that the Applicant has an ongoing grievance with the Authority in relation the LEZ, the consequent issue of PCNs to him for contraventions of the LEZ and the enforcement of these PCNs. He considers that this is apparent both from the Authority's submissions and from certain elements of the Applicant's request, particularly questions 6 and 11 (set out in Appendix 1).

47. While campaigning in furtherance of legitimate concerns is an appropriate activity in a democratic society, the Commissioner considers that the Applicant's campaign is not well founded, has no reasonable prospect of success and that its purpose is to pursue an argument rather than a genuine attempt to obtain information. Freedom of information law is not intended to serve as a mechanism for pursuing individual disputes with public authorities. Alternative legal channels exist for such purposes, and it is through these channels that such concerns should be properly addressed.
48. In this case, having considered all relevant submissions, and noting fully the backdrop against which the Applicant made the information request in this case, the Commissioner accepts that a reasonable person would consider his request to be vexatious or manifestly unreasonable. The Commissioner is therefore satisfied the Authority was entitled to refuse to comply with his request by virtue of section 14(1) of FOISA (to the extent that the information requested is not environmental) and regulation 10(4)(b) of the EIRs (to the extent that the information requested is environmental).

***EIRs: the public interest test***

49. The exception in regulation 10(4)(b) is subject to the public interest test in regulation 10(1)(b) of the EIRs. This means that, although the Commissioner is satisfied that the Applicant's request is manifestly unreasonable, he must still require the Authority to respond to that request if the public interest in making the information available outweighs that in maintaining the exception.

***The Applicant's submissions on the public interest***

50. The Applicant did not make submissions about the public interest. However, the Commissioner has had regard to the other submissions provided by the Applicant (as set out above) to the extent that they are relevant.

***The Authority's submissions on public interest***

51. The Authority acknowledged that there is a presumption in favour of disclosure of environmental information. However, it submitted that the public interest in public authorities being able to carry out their functions, without the unwarranted disruption of responding to information requests which a reasonable person would consider manifestly unreasonable or disproportionate, outweighed the public interest in both the transparent operation of public authorities and the Applicant's personal interest in receiving the information requested.
52. The Authority argued that there was nothing in the Applicant's request which would attract a strong public interest in disclosure. It submitted that the Applicant was seeking to further a personal grievance against the LEZ and the fact that he had been issued with numerous PCNs for his contravention of the LEZ.
53. The Authority maintained that the exception in regulation 10(4)(b) of the EIRs applied and that the public interest would not be served by the unreasonable diversion of resources to respond to the Applicant in his campaign against the LEZ. It said that it sought to rely on the submissions (set out above) that complying with the request would have a significant and detrimental impact on staff resources, taking away from their core functions and imposing an unreasonable burden on the Authority.

### *The Commissioner's view on the public interest*

54. In the Commissioner's view, there is an inherent public interest in the disclosure of information to ensure that an authority is transparent and accountable, to allow its decisions and actions to be scrutinised.
55. Against this, the Commissioner has considered the strong public interest in ensuring that an authority can carry out its statutory functions without unreasonable or disproportionate disruption. There is also a public interest in ensuring that the EIRs are used responsibly.
56. While the Commissioner encourages authorities to act in a transparent and accountable way, which benefits the wider public, he is satisfied that the Authority has already engaged with the Applicant in an attempt to address his concerns in responding to his previous information requests.
57. The Commissioner has already accepted that the purpose of the Applicant's request is to pursue an argument rather than a genuine attempt to obtain information. There is a clear public interest in ensuring that the Authority's resources are not diverted from its other statutory functions – or from responding to other information requests – in responding to manifestly unreasonable requests.
58. The Commissioner recognises that there is a public interest in protecting the integrity of the EIRs, but it is not the intention of the legislation to require public authorities to devote excessive or disproportionate amounts of resource to responding to a manifestly unreasonable request. In fact, one aspect of protecting the integrity of the regime is ensuring that it can function effectively, without being disrupted by manifestly unreasonable requests.
59. On balance, therefore, the Commissioner accepts that, in all the circumstances of this case, the public interest arguments in favour of making the information captured by this request available are outweighed by the public interest in maintaining the exception in regulation 10(4)(b) of the EIRs.
60. 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 or manifestly unreasonable. In this case, the Commissioner is satisfied that the Authority was entitled to refuse to comply with the request in question by virtue of section 14(1) of FOISA and regulation 10(4)(b) of the EIRs, considering the submissions provided by the Authority and bearing in mind that the request in question was clearly linked by subject matter to previous requests made by, and correspondence received from, the Applicant.
61. However, the right to request information is an important legal right. It should not be abused, but the provisions within section 14(1) of FOISA and regulation 10(4)(b) of the EIRs 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 or manifestly unreasonable.

## **Decision**

The Commissioner finds that the Authority partially complied with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) and with the Environmental Information (Scotland) Regulations 2004 (the EIRs) in responding to the information request made by the Applicant.



The Commissioner finds that by responding to the Applicant's request in terms of section 14(1) of FOISA and regulation 10(4)(b) of the EIRs, the Authority complied with FOISA and the EIRs.

However, the Commissioner finds that the Authority failed to comply with section 1(1) of FOISA by failing to identify that certain parts of the Applicant's request did not seek environmental information (as defined in regulation 2(1) of the EIRs).

Given that the Commissioner is satisfied that the Authority was entitled to apply section 14(1) of FOISA to the Applicant's request to the extent that it requested information that was not environmental, he does not require the Authority to take any action in respect of this failure, in response to the Applicant's application.

## **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**

**28 October 2025**

## Appendix 1 – Information request

"I refer to my latest Rejection Notice for the Low Emission Zone [redacted] and I require the following under the Freedom of Information Act

1. The Rejection Notice is answered by an "I" in that "I refer to your representation in terms of the Low Emission Zone", and " the matter has been investigated and I am satisfied the Penalty Charge was issued correctly" Who is this public servant "I" ? Need I remind you that all public servants at Glasgow City Council are PUBLIC Servants and their names are not protected under the Data Protection Act as they are PUBLIC servants
2. Who investigated this appeal?
3. What are their legal qualifications to preside over such appeal to investigate?
4. Who is the "you" that is referred to in the rejection notice i.e *"Due to the number of previous contraventions and the correspondence received from you in relation to these Penalty Charge Notices, "you" should be aware that the Low Emission Zone is in place and is being enforced.* As it is fact "you " is plural more than one, I therefore require who the other wo/men are in this matter?
5. If my property cannot be driven in any of the Low Emission Zones in Scotland, why are there 22 Penalty Charge Notices that show my property can and was driven in the Low Emission Zone?
6. As it has been established that Glasgow City Council is not a man or a woman, who gave this non living non god created entity any power to enforce any law over a god created living man ?
7. It is noted that regular reference to the Low Emissions vehicle checker is given, what legislation does this vehicle checker come under?
8. I require all certificates for the calibration of the Cameras on King George v Bridge from April 2023
9. I require the name(s) of Glasgow City Councils Monitoring officer and their contact details
10. In a majority of the Penalty Charge and Charge Certificate "I" take note of the threat to pass these penalties to the Councils Debt Recovery Agents. Who are the Councils Debt Recovery Agents?
11. It is noted that in the more recent Penalty Charge Notices that a threat of passing the Charge Certificates to the Sheriff Officer for enforcement of payment, As it has been established through several attempts in previous FOI requests that Glasgow City Council is not a man or a woman, , how would it be physically possible for a claim to be made by Glasgow City Council at a court when this Glasgow City Council cannot read speak or walk into a court unaided?
12. Who monitors the Low Emission Cameras
13. Who inputs the information into the computer to obtain my PRIVATE and Confidential information from the DVLA?
14. What law have you provided to the DVLA to show that a contravention took place?
15. It states in the rejection notice that " I am satisfied that prior to Low Emission Zone in question, clear advisory signage is in place. Drivers are expected to adhere to the signage in place. If they do not, then a Penalty Charge Notice is issued" Where does the signage CLEARLY advise what the restrictions are? The signage is clear that restrictions apply, however, how are drivers expected to adhere to the clear signage when the signage does not reflect what the restrictions are, or are the clear signage that states refer to the Scottish website condoning and encouraging drivers to go onto the internet whilst driving?

16. "I" require a copy of this Glasgow City Councils public accounts to show where I caused a loss to the amount that you have threatened "I" with
17. As it has been established that this is factually a debt , I require a copy of the Credit agreement between "I" and this Glasgow City Council
18. How much money has been made since June 2023 in the collection of debts under the guise of Penalty Charge fines for the Low Emission zones?"