



Scottish Information  
Commissioner

Our Ref: 202500187

Your Ref: 202400445435

**Sent by email**

Ms Lorna Gibb

16 January 2026

Dear Ms Gibb

**Compliance with Decision of Scottish Information Commissioner**

**Decision No: 281/2025**

**Applicant:** [REDACTED]

I refer to my decision sent to you on 1 December 2025. The Decision Notice sets out the steps which I require the Scottish Ministers to take in order to comply with the Freedom of Information (Scotland) Act 2002, together with the date for compliance.

I also acknowledge receipt of your email to me dated 15 January 2026 in which you advised me that you would not be in a position to comply with Decision 281/2025 by the deadline of 15 January 2026.

If the Scottish Government does not comply with the Decision Notice, I have the right to refer the matter to the Court of Session. The Court of Session may investigate the matter and treat the failure to comply as contempt of court.

I have now instructed the commencement of [non-compliance procedures](#). In considering this action I have considered the late intimation to me that Ministers would fail to meet the deadline set. I am of the view that Scottish Ministers' practice of last-minute communication on cases relating to the Hamilton Inquiry reflects poorly on the Scottish Government and disrespects the applicant and wider Scottish public on a matter of significant public interest.

I am disappointed that notice was only given of the need for substantial additional (non-chargeable) work, five minutes before the statutory deadline (six weeks after my original decision notice) and would welcome an explanation. I further note that Ministers have failed to offer a new compliance date.

Please provide me with evidence that the Scottish Ministers have complied with the Decision Notice by 22 January 2026.

Yours sincerely

**David Hamilton**

**Scottish Information Commissioner**

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