



Scottish Information
Commissioner
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Decision Notice 003/2026

Whether request was repeated

Authority: Glasgow City Council

Case Ref: 202501509

Summary

The Applicant asked the Authority for information relating to individuals or families residing in Showpeople's yards in various specified locations. The Authority refused to comply with the request as it considered it to be a repeated request. The Commissioner investigated and found that the Authority was not entitled to refuse to comply with the request on the basis that it was repeated. He required the Authority to issue a revised review outcome to the Applicant.

Relevant statutory provisions

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

Background

1. On 30 July 2025, the Applicant made a request for information to the Authority. He asked for:
 - (i) Internal communications, briefing notes, or reports from 2000 to 2024 concerning access to social services, housing assessments, or public health interventions for individuals or families residing in Showpeople's yards located in Govan, Dalmarnock, Carntyne, Shettleston, Cowcaddens, Whiteinch, and the Cuningar Loop / Downiebrae Road area of Rutherglen.

- (ii) Any documented referrals, engagement records, or coordination efforts between Health and Social Care Partnership (HSCP) teams and members of the Showpeople community in those locations.

2. The Authority responded on 26 August 2025 in the following terms:
 - in response to part (i), it issued him with a notice, in terms of section 17(1) of FOISA, that it did not hold the information requested
 - in response to part (ii), it issued him with a notice, in terms of section 17(1) of FOISA, that it did not hold all information between HSCP teams. It also informed him that its Social Work Services did not maintain a central record for the information requested and that to provide him with this information would exceed the upper cost limit in terms of section 12(1) of FOISA.
3. Later that same day, the Applicant wrote to the Authority requesting a review of its decision. He stated that he was dissatisfied with the decision because the Authority had misinterpreted the scope of both parts of his request. He explained that he had sought internal communications, strategic documents and policy or service coordination materials, not individual case records or ethnicity-based social work files.
4. The Authority notified the Applicant of the outcome of its review on 1 September 2025. It did not uphold its original response, and instead refused to comply with the Applicant's request, under section 14(2) of FOISA, on the basis that it was identical or substantially similar to a previous request he had made.
5. Later that same day, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. The Applicant stated he was dissatisfied with the outcome of the Authority's review because he disagreed that his request dated 30 July 2025 was a repeated request.

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 1 October 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 its application of section 14(2) of FOISA to the Applicant's request of 30 July 2025.

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(2) – Repeated request

10. Under section 14(2) of FOISA, where an authority has complied with an information request, it is not obliged to comply with a subsequent request from the same person which is identical or substantially similar, unless there has been a reasonable period of time between the making of the request complied with and the making of the subsequent request.
11. For section 14(2) of FOISA to apply, therefore, the following need to be considered:
 - (i) whether the Applicant's previous request was identical or substantially similar to the request under consideration here;
 - (ii) whether the Authority complied with the previous request; and, if so
 - (iii) whether there was a reasonable period of time between the submission of the previous request and the submission of the subsequent request.

The Applicant's submissions

12. The Applicant explained that he had submitted a request on 30 July 2025 and that, later that evening, he had submitted a “near-identical request which slightly narrowed the timeframe (2000-2024) and corrected formatting inconsistencies.”
13. The Applicant disagreed that his request was repeated in terms of section 14(2) of FOISA and explained that the near-identical request he had submitted was a good-faith clarification of his earlier request.

The Authority's submissions

14. The Authority explained that the Applicant had previously made a request on 3 July 2025, which only differed from his request of 30 July 2025 in that the period specified was 2015-2024 rather than 2000-2024.
15. The Authority responded to the original request of 3 July 2025 on 30 July 2025. Shortly after and on the same date, the Applicant requested a review of the Authority's response. Within his requirement for review, the Applicant said that that he would like to “expand the request to 2000-2025”.
16. The Authority notified the Applicant of the outcome of its review on 27 August 2025, which considered both the original period (2015-2024) and the expanded period (2000-2025) introduced by the Applicant in his requirement for review.
17. The Authority therefore considered that the Applicant's request of 30 July 2025 was substantially similar to the requirement for review he submitted on 30 July 2025 for the following reasons:
 - it repeated the same two substantive questions originally posed in the request of 3 July 2025, which had been carried forward and expanded upon in the review request
 - it adopted the timeframe of 2000-2024, which fell entirely within the expanded timeframe of 2000-2025 introduced in the request for review
 - it related to the same locations and provided a list of examples of Showpeople's yard addresses which mirrored the list in the review request
 - it repeated the interest in obtaining the policy-level/operational guidance documents rather than seeking personal data material; and

- it introduced no new subject matter that was not already introduced in the review request and therefore added nothing that would require fresh or additional searches beyond those already triggered by the review request.

18. The Authority referred to [Decision 007/2024](#)¹ of the Commissioner, which confirmed that a later request will be substantially similar where it is reasonable to conclude that the information sought would have been caught by the earlier request. It submitted that all of information sought in the Applicant's request of 30 July was captured within the requirement for review submitted on that same date in relation to his request of 3 July 2025.

19. The Authority considered that the Applicant's request of 30 July 2025 had been fully complied with by the time it issued the review outcome for that request on 1 September 2025. It said that the review outcome issued on 27 August 2025 related to the Applicant's request of 3 July 2025 had addressed all substantive matters contained in the request of 30 July 2025.

20. While the Authority noted that the Applicant's request of 30 July 2025 contained a slightly different period (2000-2024) to the period specified in the requirement for review related to the request of 3 July 2025 (2000-2025), it said that its scope was entirely captured by the broader period examined and determined in the review outcome issued on 27 August 2025.

21. The Authority also submitted that no reasonable period had elapsed between the two requests made by the Applicant. It noted that only three minutes had elapsed between receipt of the Applicant's requirement for review on 30 July 2025 and his request on that same date. During that interval, no new information emerged, no new scope or subject matter arose and no change in circumstances took place which could justify treating the later request as fresh.

The Commissioner's view

22. For clarity, the Commissioner would like to set out his own chronology of the Applicant's requests:

- on 3 July 2025, the Applicant submitted his original request, which covered 2015-2024. (The text of this request is reproduced in Appendix 1.)
- on 30 July 2025, the Authority issued its response to the Applicant's original request of 3 July 2025
- on 30 July 2025, the Applicant submitted a requirement for review of the Authority's response to his original request of 3 July 2025 where, among other things, he sought to extend the period covered by his request to 2000-2025. (The text of this requirement for review is reproduced in Appendix 1, subject to the redaction of a small amount of more specific geographical information.)
- on 30 July 2025, shortly after submitting the above requirement for review, the Applicant submitted a separate and fresh request, which covered the extended period of 2000-2024. (The text of this request is reproduced in Appendix 1, subject to the redaction of a small amount of more specific geographical information.)

¹ <https://www.foi.scot/decision-0072024>

- on 26 August 2025, the Authority issued its response to the Applicant's information request of 30 July 2025
- on 26 August 2025, the Applicant submitted a requirement for review of the Authority's response to his request of 30 July 2025
- on 27 August 2025, the Authority issued its review outcome to the Applicant's requirement for review in relation to original request of 3 July 2025, which covered both the original period (2015-2024) and the extended period (2000-2025)
- on 1 September 2025, the Authority issued its review outcome to the Applicant's requirement for review in relation to his request of 30 July 2025, which refused his request, under section 14(2) of FOISA, as a repeated request.

23. The Authority should have treated the extended period set out in the Applicant's requirement for review of his original request of 3 July 2025 as a new request. Instead, it subsumed what should have been treated as a separate request into its review outcome for the original request of 3 July 2025. While the Commissioner appreciates that the Authority was seeking to be helpful, there is no provision in FOISA that permitted it to proceed in this manner.

24. To have been entitled to rely on section 14(2) of FOISA in refusing the Applicant's request of 30 July 2025, that request would have had to be identical or substantially similar to the original request of 3 July 2025, and the Authority would have had to have complied with the previous request.

25. While the Authority did comply with the original request of 3 July 2025, the Commissioner does not consider that the request of 30 July 2025 can be regarded as identical or substantially similar, given the differences in the period specified in the requests (i.e. 2015-2024 and 2000-2024 for 3 July 2025 and 30 July 2025, respectively).

26. In all of the circumstances, the Commissioner therefore does not consider that the Authority was entitled to rely on section 14(2) of FOISA in refusing for the Applicant's request of 30 July 2025.

27. Despite there being no provision in FOISA that permitted it do so, the Commissioner acknowledges that the Authority's review outcome in relation to the Applicant's original request of 3 July 2025 nonetheless substantively considered the extended period covered by the Applicant's request of 30 July 2025.

28. Accordingly, had the Authority's review outcome in relation to the Applicant's request of 30 July 2025 substantively considered that request – rather than refusing it as a repeated request under section 14(2) of FOISA – the Commissioner considers it likely that the Authority would have responded in the same terms as it did in its review outcome in relation to the Applicant's request of 3 July 2025.

29. However, the Commissioner nonetheless requires the Authority to issue a revised review outcome (otherwise than in terms of section 14(2) of FOISA) in response to the Applicant's requirement for review in relation to his request of 30 July 2025.

30. This is because, were the Applicant to appeal the Authority's handling of his request of 3 July 2025, the Commissioner would be unable to consider the extended period set out in the requirement for review of that request, as that period did not originally form part of that request. Similarly, to accept that the Applicant's request of 30 July 2025 was a repeated

request would have the effect of depriving him of any appeal route in respect of the 2000-2014 period.

Decision

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

Specifically, the Commissioner finds that the Authority was not entitled to refuse to comply with the Applicant's request on the basis that it was repeated. In doing so, it failed to comply with section 1(1) of FOISA.

The Commissioner therefore requires the Authority to carry out a fresh review (in terms of section 21 of FOISA) and to provide the Applicant with a revised review outcome, responding otherwise than in terms of section 14(2), by **27 February 2026**.

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.

Enforcement

If the Authority fails to comply with this decision, the Commissioner has the right to certify to the Court of Session that the Authority has failed to comply. The Court has the right to inquire into the matter and may deal with the Authority as if it had committed a contempt of court.

Euan McCulloch
Head of Enforcement

13 January 2026

Appendix 1: Information requests and requirement for review

Information request of 3 July 2025

“FOI Request – Access to Services and Health Interventions for Showpeople’s Communities

Dear FOI Officer,

I am writing to request information under the Freedom of Information (Scotland) Act 2002. I would be grateful if you could provide the following:

1. Internal communications, briefing notes, or reports from 2015 to 2024 concerning access to social services, housing assessments, or public health interventions for individuals or families residing in Showpeople’s yards in Govan, Dalmarnock, Carntyne, Shettleston, Cowcaddens, Cuningar Loop, and Whiteinch.
2. Any documented referrals or coordination between HSCP teams and members of the Showpeople community in those areas. If any part of this request exceeds statutory cost limits, I am happy to revise or narrow the scope in consultation with your team.

If any part of this request exceeds statutory cost limits, I am happy to revise or narrow the scope in consultation with your team. Please treat this request as valid under FOISA.”

Requirement for review of 30 July 2025

“I am writing to request an internal review of a response to FOI8410447, which stated that no recorded information exists concerning service access for Showpeople living in Glasgow’s yards between 2015 and 2024.

Given the longstanding residential presence of Showpeople in areas such as Dalmarnock, Carntyne, Govan, and Whiteinch, and the Council’s statutory responsibilities under the Equalities Act 2010, the Housing (Scotland) Acts, and social care legislation, it is unlikely that no internal guidance, planning material, or service records exist. This would be especially unexpected within HSCP teams, housing departments, or equalities portfolios.

To clarify, this request does not seek identifiable casework data or personal records. Rather, it concerns policy-level or operational documentation—briefings, memos, service models—that reflect how the Council has acknowledged or addressed service provision in these communities. I therefore believe the application of Section 17(1) was inappropriate or at least too narrowly interpreted. This belief is reinforced by the legal and physical status of the sites in question. For example, the following yards are formally registered, actively inhabited, and serviced:

[redacted]

It is difficult to reconcile the enduring occupation of these registered residential sites with the claim that no planning, coordination, or engagement documents exist relating to social services or health access.

I also wish to question the blanket application of exemptions under Sections 36(2), 38(1) (b), and 26 to sever access to records of referrals or service engagement. There is public interest in understanding how statutory services relate to marginalised communities such as Showpeople. I would welcome a review of whether anonymised or redacted documentation could be released in line with FOISA and Article 10 of the ECHR.

I am happy to supply a full list of title numbers and locations if this would aid review. Should it be helpful, I would like to expand the request to 2000-2025.

Thanks for your time, and I look forward to your response.”

Information request of 30 July 2025

“FOI Request – Access to Services and Health Interventions for Showpeople’s Communities

I am writing to request information under the Freedom of Information (Scotland) Act 2002. I would be grateful if you could provide the following:

1. Internal communications, briefing notes, or reports from 2000 to 2024 concerning access to social services, housing assessments, or public health interventions for individuals or families residing in Showpeople's yards located in Govan, Dalmarnock, Carntyne, Shettleston, Cowcaddens, Whiteinch, and the Cuningar Loop / Downiebrae Road area of Rutherglen.
2. Any documented referrals, engagement records, or coordination efforts between Health and Social Care Partnership (HSCP) teams and members of the Showpeople community in those locations.

This request is **not seeking personal data or identifiable casework material**. It concerns internal records, strategic documents, and operational guidance at the policy or service coordination level. Given the Council's responsibilities under the Equalities Act 2010, Housing (Scotland) legislation, and social care frameworks, it is reasonable to expect that internal materials addressing service access for these communities may exist.

These yards have been in continuous residential use for decades and are formally registered under known title numbers. For reference:

- **Dalmarnock:** [redacted]
- **Cuningar Loop / Downiebrae Road:** [redacted]
- **Whiteinch:** [redacted]
- **Shettleston–Carntyne:** [redacted]
- **Cowcaddens:** [redacted]

These are long-standing community sites with defined legal status and Council service obligations. It would be difficult to reconcile their ongoing occupation with a claim that no service-related documentation exists. Should any part of this request raise cost concerns, I would welcome the opportunity to refine or narrow its scope in consultation with your team.

Please treat this request as valid under FOISA."