



Scottish Information
Commissioner
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Decision Notice 300/2025

Parking enforcement visits to a specified street

Authority: City of Edinburgh Council
Case Ref: 202500849

Summary

The Applicant asked the Authority for information used in an investigation response letter relating to parking enforcement visits to a specified street. The Authority disclosed information to the Applicant, but the Applicant believed the Authority had not provided the information requested and that it had provided incomplete information. The Commissioner investigated and found that the Authority had provided all information falling within the scope of the Applicant's request.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2), (4) and (6) (General entitlement); 47(1) and (2) (Application for decision by Commissioner).

Background

1. On 5 February 2025, the Applicant made a verbal request for information to the Authority, which he confirmed in writing 10 February 2025. He asked for the following evidence used by the Authority in an investigation response letter relating to parking enforcement visits to a particular area:
 - 430 visits to Gorgie Road
 - additional visits after 6pm between 4 and 9 September
 - a joint visit with the police on the 8 September

2. The Authority responded on 10 March 2025. It disclosed a list of dates and times of various visits to the area in question. The dates and times related to September 2024, but within the explanatory paragraph at the beginning of the response it said that 430 parking attendant visits took place in October 2024.
3. On 31 March 2025, 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 provided him with the “wrong” information.
4. The Authority notified the Applicant of the outcome of its review on 24 April 2025. It apologised that the information it had disclosed contained a typographical error which stated “October” rather than “September”, but it confirmed that the information itself related to September. It provided the Applicant with a corrected document.
5. On 13 May 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 did not consider he had been given the information requested and that the information provided by the Authority was incomplete.

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 4 July 2025, the Authority was notified in writing that the Applicant had made a valid application. The case was 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 relating to how it established what information it held that fell within the scope of the Applicant’s request.

Commissioner’s analysis and findings

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

Section 1(1) – General entitlement

10. 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 1(6) of FOISA, allow Scottish public authorities to withhold information or charge a fee for it. The qualifications contained in section 1(6) are not applicable in this case.
11. The information to be given is that held by the authority at the time the request is received, as defined in section 1(4) of FOISA. This is not necessarily to be equated with information an applicant believes the authority should hold.
12. The standard of proof to determine whether a Scottish public authority holds information is the civil standard of the balance of probabilities. In determining where the balance of probabilities

lies, the Commissioner considers the scope, quality, thoroughness and results of the searches carried out by the public authority.

The Applicant's submissions

13. As stated above, the Applicant did not consider he had been given the information requested and that the information provided was incomplete.
14. The Applicant explained that he had made a complaint about the Authority's parking department, which he had escalated to the Scottish Public Service Ombudsman (SPSO). He said that the information used by the SPSO was based on the wrong month and that it had therefore made the wrong decision on his complaint.
15. More specifically, the Applicant considered that that the information the Authority provided him was "made up" and he was concerned that it appeared to show multiple duplicate visits for particular days and times. He believed that this showed that the information was not accurate.

The Authority's submissions

16. The Authority confirmed that Parking Attendant visit data was gathered from reports generated through its parking enforcement system. A member of Authority staff also searched their email inbox to locate correspondence relating to the joint enforcement visits with Police Scotland.
17. The Authority explained that all Parking Attendant activity is tracked using handheld computer terminals carried by those Parking Attendants. The data is recorded in the parking enforcement system. The location logging information of Parking Attendants was reviewed to establish the number of times and times of day that they visited the location in question.
18. The Authority said that the enforcement system includes a query builder, which it utilised to allow it to gather the required data. In this case, it entered the relevant date range into the query builder and filtered the resulting report (removing data regarding other locations that were not relevant to the Applicant's request. It provided screenshots to the Commissioner of an excerpt showing how the data was filtered and formatted to provide the relevant information which fell within the scope of the Applicant's request.
19. In response to the Applicant's concerns regarding duplicate visits, the Authority said that it had established that 13 of the visits shown in the table provided to the Applicant were duplicates. It explained that these either occurred when a Parking Attendant left and re-entered the street within a short period or where a Parking Attendant had "errantly" logged their location more than once.
20. The Authority confirmed that other visits showing the same timestamp were due to more than one Parking Attendant visiting the street at a time. It explained that this could be for several reasons but said that these visits were likely to be related to training (e.g. a trainee and supervisor working together) or in response to reports of incorrectly parked vehicles and requests for increased enforcement.

The Commissioner's view

21. The Commissioner has carefully considered the submissions made by both parties.
22. It is regrettable that the Authority referred to the wrong month in the information it initially provided to the Applicant. This appears to have resulted in the Applicant continuing to question the accuracy of the information provided, despite the Authority's clarification in its review outcome that this was an error. (The purpose of the review stage is to provide authorities with

the opportunity to reconsider their handling of an initial information request and to clarify and correct any errors.)

23. While he recognises that the Applicant has concerns over whether the information provided to him by the Authority was accurate, the Commissioner cannot consider whether the information held by the Authority is accurate or correct. However, he can consider whether the Authority disclosed all of the relevant information it held at the time of the Applicant's request.
24. Given the explanations and submissions provided, the Commissioner accepts that the Authority took adequate and proportionate steps in the circumstances to establish what information was held. On balance, he is satisfied that the Authority does not hold any further (or different) information falling within the scope of the Applicant's request.
25. While he cannot consider whether the information held by the Authority is accurate or correct, the Commissioner considers the Authority's explanation (at paragraphs 19 and 20) for the relatively small number of duplicate visits and the instances of visits showing the same or similar timestamp to be plausible.
26. While the Applicant may have believed and expected further (or different) information to be held by the Authority, the Commissioner is satisfied that this was not the case. Whether a public authority should hold information which it does not hold is not a matter for the Commissioner to decide.
27. The Commissioner is therefore satisfied, on the balance of probabilities, that the Authority does not (and did not, on receipt of the request) hold any further information falling within the scope of the request. Consequently, he finds that the Authority responded to the request in accordance with Part 1 of FOISA.

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.

Cal Richardson
Deputy Head of Enforcement

11 December 2025