



Scottish Information
Commissioner
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Decision Notice 311/2025

Details of specified properties

Authority: Dunbartonshire and Argyll and Bute Valuation Joint Board

Case Ref: 202500843

Summary

The Applicant asked the Authority for information relating to 400 or so specified properties where a review of the Council Tax Band had been carried out in 2013/14. The Authority provided some information to the Applicant and advised her that other information was otherwise accessible to her. The Commissioner investigated and found that the Authority had failed to satisfy him that it had identified all information relevant to the request or that the withheld information was otherwise accessible to the Applicant. He required the Authority to carry out fresh searches, to issue a revised review outcome in relation to part of the Applicant's request and to disclose the withheld information to her.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2), (4) and (6) (General entitlement); 25(1) (Information otherwise accessible); 47(1) and (2) (Application for decision by Commissioner).

Background

1. On 16 February 2025, the Applicant made a request for information to the Authority. For each of the 400 or so properties where a review of the Council Tax Band was carried out in 2013/14 in relation to a group of house types in part of Bishopbriggs consequent to VAC decisions, the Applicant requested:

- “1) The full address of each property including postcode.
- 2) Any sales information you hold from 1st April 1990 to the current date.

3) The Gross External Area Measurement held in your records.

4) The Net Internal Area Measurement held in your records.

5) The attachment and number of apartments.

Please also supply me with a copy of any Valuation Appeal Committee [VAC] decisions which led to these properties' Council Tax Band being reviewed."

2. The Authority responded on 14 March 2025. It provided some information but withheld the addresses and sales information under the exemption in section 25(1) FOISA, on the grounds that this information was otherwise accessible via the Scottish Assessors' Association and the Registers of Scotland, respectively.
3. On 25 March 2025, the Applicant wrote to the Authority requesting a review of its decision. She explained that she was dissatisfied with the decision because:
 - she had asked for a copy of any (VAC) decisions which led to these properties' Council Tax Band being reviewed but had only been provided with a single page copy of a letter addressed to a successful appellant in 2010.
 - she disagreed that the exemption in section 25(1) of FOISA applied.
4. The Authority notified the Applicant of the outcome of its review on 15 May 2025, which fully upheld its original decision.
5. On 24 May 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. She stated that she was dissatisfied with the outcome of the Authority's review, for the same reasons set out in her requirement for review.

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 25 June 2025, the Authority was notified in writing that the Applicant had made a valid application. The Authority was asked to send the Commissioner the information withheld from the Applicant. The Authority provided the information, and 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. These related to the searches carried out in response to the Applicant's request, and the application of the exemption in section 25(1) of FOISA.
9. While the Authority acknowledged receipt of the Commissioner's request for comments, it failed to provide a response to his questions.

Commissioner's analysis and findings

10. The Commissioner has considered all of the submissions made to him.
11. However, the Commissioner received no comments from the Authority in response to his specific questions.

Section 1(1) – General entitlement

12. 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 in section 1(6) are not applicable in this case.
13. The information to be given is that held by the authority at the time the request is received, as defined by section 1(4). If no relevant information is held by the authority, section 17(1) of FOISA requires the authority to give the applicant notice to that effect.
14. 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 lies, the Commissioner considers the scope, quality, thoroughness and results of the searches carried out by the public authority.
15. The Commissioner also considers, where appropriate, any reason offered by the public authority to explain why it does not hold the information. While it may be relevant as part of this exercise to explore expectations about what information the authority should hold, ultimately the Commissioner's role is to determine what relevant recorded information is (or was, at the time the request was received) actually held by the public authority.

The Applicant's submissions

16. The Applicant did not consider that the Authority had identified the correct document in response to her request for VAC decisions.
17. Specifically, the Applicant said that she was seeking the full copies of VAC decisions. She indicated that she anticipated this would include the following information: "the Background, the Documents Lodged with the VAC, the Grounds of Appeal, the Appellant's Evidence, the Assessor's Evidence, Closing Submissions, Post Hearing submissions, Findings and Reasons, Decision."
18. The Applicant also suggested that the Authority might hold transcripts that fell within the scope of her request.

The Authority's submissions

19. In its review outcome, the Authority acknowledged that the Applicant was dissatisfied that the information disclosed by the Authority did not match what she expected to be held and disclosed in response to her request. It said that it had reviewed the decision from the VAC and that it had been provided to the Applicant in full: no further pages had been withheld and the information provided formed the full decision of the VAC.
20. As stated above, the Commissioner wrote to the Authority and asked it to respond to specific questions on how it interpreted the Applicant's request and the searches it had undertaken in response to it. However, the Authority failed to respond to these questions.

The Commissioner's view

21. In all cases, it falls to the public authority to persuade the Commissioner, with reference to adequate, relevant descriptions and evidence, that it holds no more information than it has identified and located in response to the request. In this case, in the absence of any information on the searches undertaken by the Authority, the Commissioner is not satisfied that the Authority has achieved this.
22. In all the circumstances, therefore, the Commissioner cannot uphold the Authority's claim that it does not hold any further information in relation to the Applicant's request for a copy of any VAC decisions which led to the properties referred to in her request having their Council Tax Band reviewed.
23. The Commissioner requires the Authority to carry out fresh and adequate, proportionate searches for this information, and to issue a new review outcome to the Applicant. The Authority should retain evidence of these searches, in the event of a further appeal to the Commissioner.

Section 25(1) – Information otherwise accessible

24. Information which an applicant can reasonably obtain other than by requesting it under section 1(1) of FOISA is exempt from disclosure. This exemption is not subject to the public interest test in section 2(1)(b) of FOISA.
25. Section 25(1) of FOISA is not intended to prevent or inhibit access to information, but to relieve public authorities of the burden of providing information that an applicant can access readily without asking for it.
26. The Authority withheld the full address of each property including postcode and sales information held from 1 April 1990 to the date of the request under the exemption in section 25(1) of FOISA.

The Applicant's submissions

27. In terms of the address of the properties including postcode, the Applicant said that the Authority held this information for each house. While she acknowledged that the postcodes were available elsewhere, she did not consider it was reasonable to ask her to check all of the 400 or so addresses against other databases. She also queried why the Authority was willing to supply all of the 400 or so addresses but not the postcode.
28. The Applicant submitted that information that would take her around 35 working hours to obtain could not be described as "reasonably obtainable" and that it was not reasonable to ask her to purchase the postcode information.
29. In terms of the sales information, the Applicant noted that the Authority suggested that she use the Registers of Scotland's Land Information Service (ScotLIS) to obtain this information. While she acknowledged that the sales information was available elsewhere, she did not consider it was reasonable to ask her to check all of the 400 or so addresses against the ScotLIS database.
30. Before she could search ScotLIS, the Applicant said that she would first need the postcodes for the properties. Having started this exercise, she noted that many streets have more than one postcode – so it was not possible to apply one postcode to the whole street. She submitted that information which would take her weeks of data searching to obtain could not be described as "reasonably obtainable".

The Authority's submissions

31. As stated above, the Authority failed to provide a response to the specific questions asked by the Commissioner during his investigation regarding its application of the exemption in section 25(1) of FOISA.
32. The Commissioner will therefore consider the Authority's position as set out in its review outcome.
33. In terms of the address of the properties including postcode, the Authority noted that address information was published by the Scottish Assessors' Association on its website, through searches of extracts of the Council Tax List and Valuation Roll. In addition to this, address information was available to purchase from the Scottish Assessors' Association through its publication scheme. It also noted that postcode information was freely available on the Royal Mail website.
34. In terms of the sales information, the Authority said that this information was published by Registers of Scotland. This information included names and addresses of buyers and sellers of properties and the price paid and could be found via the Registers of Scotland's ScotLIS.

The Commissioner's view

35. It is unclear to the Commissioner how the Authority considers the Applicant could obtain the information she has requested.
36. The Authority indicated that this information is available from a search function on the Scottish Assessors' Association website. However, from the information provided, the Commissioner is aware of no way to distinguish properties covered by the Applicant's request from properties that are not covered.
37. The Commissioner wrote to the Authority and asked it to explain how the properties in scope could be distinguished from properties that are not in scope. However, as stated above, the Authority failed to respond to these questions.
38. In the absence of a further explanation, the Commissioner cannot be satisfied that the specific information requested by the Applicant was otherwise accessible to her. He finds that the Authority was not entitled to advise the Applicant that the information was reasonably accessible to her and requires it to disclose this information to the Applicant.
39. The Commissioner has also reviewed the ScotLIS website. Having done so, he notes that obtaining sale prices from ScotLIS requires either postcodes or title numbers. As stated above, the Authority has (wrongly), withheld the postcodes, and the Commissioner has seen no indication that the Applicant has access to the title numbers.
40. The Commissioner wrote to the Authority, asking it how the Applicant could obtain this information without the postcodes or title numbers of the addresses in question. However, as stated above, the Authority failed to respond.
41. In the absence of a further explanation, the Commissioner cannot be satisfied that the specific information requested by the Applicant was otherwise accessible to her. He finds that the Authority was not entitled to advise the Applicant that the information was reasonably accessible to her and that it was therefore not entitled to rely on the exemption under section 25(1) of FOISA to withhold this information.
42. The Commissioner acknowledges that, once the withheld postcodes are disclosed in response to his decision notice, the sales information requested by the Applicant may

become otherwise accessible to her. However, he must find that this information was not otherwise accessible to her at the date of the Authority's review outcome.

43. The Commissioner requires the Authority to disclose the information he has found it was not entitled to withhold under the exemption in section 25(1) of FOISA.

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 withhold the information under the exemption in section 25(1) of FOISA and that it failed to satisfy him that it does not hold further information relevant to the Applicant's request. As a result, the Commissioner finds that the Authority failed to comply with section 1(1) of FOISA.

The Commissioner therefore requires the Authority to:

- disclose to the Applicant the information it was not entitled to withhold under section 25(1) of FOISA
- carry out adequate, proportionate searches for the information relating to the VAC decisions, and to issue a new review outcome to the Applicant (in terms of section 21 of FOISA).

The Commissioner requires the Authority to take the above steps by **2 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

19 December 2025