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Commissioner  
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# Decision Notice 026/2026

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## Information relating to the sale of a property

Authority: Glasgow City Council  
Case Ref: 202501085

### Summary

The Applicant asked the Authority for information relating to a relative's property. The Authority deemed most of the Applicant's subsequent requirement for review to be invalid, on the grounds it sought new information. The Commissioner investigated and found that the requirement for review was valid in respect of one request. He required the Authority to provide the Applicant with a review outcome in relation to that request.

### Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2) and (6) (General entitlement); 21(1) (Review by Scottish public authority); 47(1) and (2) (Application for decision by Commissioner).

### Background

1. On 13 May 2025, the Applicant made a request for information to the Authority. He asked for the following information relating to a particular property:
  - (i) Confirmation of the legal authority under which [the Authority] acquired and subsequently disposed of the property;
  - (ii) Details of any application for Confirmation (Scottish probate) and any estate administration processes that were followed;

- (iii) Information regarding the contents of the property and how these were handled prior to or during the sale;
  - (iv) A breakdown of the proceeds of the sale, including any deductions, and whether any residual funds remain, and
  - (v) Confirmation of whether any attempt was made to trace surviving next of kin prior to disposal.
2. The Authority responded on 9 June 2025 in terms of the Environmental Information (Scotland) Regulations 2004 (the EIRs). It disclosed some information to the Applicant in response to requests (i) and (v) and it withheld some information under regulation 11(2) and (3) (Personal data) of the EIRs in relation to request (i). The Authority applied regulation 10(4)(a) (Information not held) of the EIRs to request (ii) and to some information sought by request (iii). In relation to request (iv), it disclosed a Statement of Account to the Applicant.
  3. On 10 June 2025, the Applicant wrote to the Authority requesting a review of its decision on the grounds that he sought a full response to each request (that is, he believed the response was incomplete). With respect to request (iv), the Applicant noted that his request had sought “a breakdown of the sale, including any deductions” but the Statement of Account (balance sheet) that was provided, did not breakdown the details of any deductions.
  4. The Authority notified the Applicant of the outcome of its review on 8 July 2025. It stated that it had informed the Applicant on 17 June 2025 that his requirement for review was not valid, as it was seeking new information. It maintained that some aspects of his requirement for review were not valid as they related to what the disclosed information had said and the ways in which the Applicant disagreed with how the Authority had handled his late relative’s estate. In this review, the Authority also informed the Applicant that it should have considered the original request under FOISA, rather than the EIRs, and it apologised for this. The Authority acknowledged that, in relation to requests (ii), (iii) and (v), it should have advised the Applicant that information was not held, in line with section 17(1) of FOISA.
  5. On 8 July 2025, 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 Authority’s response to his requirement for review as he considered that it had failed to conduct a valid review and had failed to engage with the legal basis of his concerns or the public interest in transparency.

## **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 22 August 2025, the Authority was notified in writing that the Applicant had made a valid application 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 the application and to answer specific questions.

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

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

### ***Scope of the investigation***

10. The Commissioner carefully considered the wording of the request, the Authority's response, and the Applicant's requirement for review and he determined that the Applicant's requirement for review in relation to all but request (iv), was invalid.
11. The Commissioner considers that when the Applicant made his requirement for review, he was either seeking new information or raising matters which fell outwith the Commissioner's remit in relation to requests (i), (ii), (iii) and (v). As no valid requirement for review was made with respect to requests (i), (ii), (iii) and (v), the Commissioner cannot consider the Authority's handling of these requests in this decision notice.
12. However, the Commissioner will consider the validity of the requirement for review in relation to request (iv).

### ***Request (iv)***

13. In its submissions, the Authority stated that the Applicant's requirement for review for request (iv) was not valid. The Authority noted that it had treated his review request for request (iv) as a new request for recorded information. It argued that, when the Applicant made his requirement for review for request (iv), he was seeking information that he had not asked for in his original request of 13 May 2025, and he was also seeking to engage in conversation about the content of information provided in the response of 9 June 2025.
14. The Authority stated that it had advised the Applicant, in its review outcome, that he had made a vast number of new requests within his requirement for review and that, as such, they would be responded to as new information requests (including the review request relating to request (iv)). It also stated that it had responded to these new requests within its review outcome and had advised the Applicant of his right to request a review of the Authority's response to these new requests.
15. The Authority argued that the Applicant should have sought a review of this new response, rather than proceeding directly to the Commissioner. The Authority intimated that as no review had been carried out for request (iv) (as it had treated the review request for request (iv) as a new information request) the application to the Commissioner was invalid.
16. The Applicant disagreed that his request for review was invalid.

### ***The Commissioner's view on request (iv)***

17. Essentially, the Authority has argued that when the Applicant asked the Authority to review its handling of request (iv) the Applicant was not seeking a review of the original response, but was instead seeking new information, that had not previously been requested.
18. In its original response to request (iv), the Authority had provided the Applicant with a Statement of Account (referred to by the Applicant as a balance sheet).
19. The Commissioner has carefully considered the wording of the Applicant's requirement for review in relation to request (iv).

20. In his requirement for review, the Applicant noted that in request (iv) he had asked for “a breakdown of the sale, including any deductions, and whether any residual funds remain”. He commented that the statement of account provided in response to request (iv) did not “definitively layout all the figures” relating to the estate. He stated:  
  
“Your extremely poor balance sheet completely ignores this request and does not “breakdown” the details of any deductions, which there are several”.
21. The Applicant goes on to list these deductions and to make fresh requests for new information.
22. In the Commissioner’s view, the wording of the Applicant’s requirement for review (specifically, that the response does not lay out “all the figures” and his argument that the Authority ignored the part of the request relating to the breakdown of the proceeds, in which he specified that it included any deductions) made clear that the Applicant believed that further information was held.
23. The Commissioner acknowledges that the wording of a later part of the review request in relation to request (iv) may be interpreted as a request for new information, including how funds from the balance of sale were handled, etc. However, this does not alter his view that the Applicant’s earlier wording made clear the Applicant’s dissatisfaction that not all of the information he sought in his initial request had been provided. In the Commissioner’s view, therefore, the Applicant’s request for review in relation to request (iv) was valid, insofar as it made clear the Applicant’s belief that the Authority’s response to request (iv) was incomplete.
24. Given the Commissioner’s view that the Applicant made a valid requirement for review in respect of request (iv), and taking into account the Authority’s failure to conduct such a review, the Commissioner find that the Authority failed to comply with section 21(1) in relation to request (iv). He requires the Authority to carry out a review of its response to request (iv) and communicate the outcome of that review to the Applicant.

## Decision

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

Specifically, the Commissioner finds that by correctly treating the Applicant’s requirements for review for requests (i), (ii), (iii) and (v) as invalid, the Authority complied with Part 1.

However, by failing to identify that the Applicant had made a valid requirement for review for request (iv), and by failing to carry out a review of its response to request (iv), the Authority failed to comply with the requirements of section 21 of FOISA.

The Commissioner therefore requires the Authority to carry out a review of request (iv) and provide the Applicant with the outcome of that review (in terms of section 21 of FOISA) by **6 April 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.

**Jennifer Ross**  
**Deputy Head of Enforcement**

**20 February 2026**