



Scottish Information
Commissioner
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Decision Notice 048/2026

Road traffic collision report

Applicant: The Applicant

Authority: The Chief Constable of the Police Service of Scotland

Case Ref: 202500932

Summary

The Applicant asked the Authority for information that had been redacted from the abstract of a specified road traffic collision report. The Authority refused to provide the information requested but it did not respond to the request in terms of FOISA. The Commissioner investigated and found that the Applicant's request was valid and that the Authority should therefore have responded to it in terms of FOISA. He required the Authority to conduct a review in terms of FOISA and to notify the Applicant of the outcome.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2) and (6) (General entitlement); 8 (Requesting information); 16(1) (Refusal of request); 20(1) and (3) (Requirement for review of refusal etc.); 19 (Content of certain notices); 21 (Review by Scottish public authority); 47(1) and (2) (Application for decision by Commissioner).

Background

1. On 15 November 2023, the Applicant requested an abstract of a road traffic collision report from the Authority. They had requested this information outwith FOISA and made a payment to receive it. The Authority provided the Applicant with the report requested, subject to some redactions.
2. On 29 May 2025, the Applicant made a request for information to the Authority. They complained that the report previously provided to them by the Authority had been

unreasonably redacted and requested that certain information be disclosed to them – specifically, the “circumstances” and the “version of events provided by both parties”.

3. The Authority responded to the Applicant’s request. It did not respond in terms of FOISA, but said that it did not disclose the redacted information “to support GDPR compliance” and said that the information it provided on abstract reports was outlined in its [terms of business](#)¹.
4. On 5 June 2025, the Applicant wrote to the Authority requesting a review of its response. Among other things, the Applicant stated that they were dissatisfied that the Authority had refused to disclose the redacted information they had requested as they could not obtain this information from anywhere else.
5. The Authority responded on 10 June 2025. Again, it did not respond in terms of FOISA, but stated that it did not “release the redacted information” and reiterated that the information it provided on abstract reports was outlined in its terms of business.
6. On 16 June 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. They stated that they were dissatisfied with the Authority’s response of 10 June 2025 because there was no justification for the Authority’s refusal to provide the redacted information they had requested (as it was not sensitive and neither party to the incident could be identified from it).

Investigation

7. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation. This is considered in more detail below.
8. On 18 July 2025, the Authority was notified in writing that the Applicant had made a valid application. The Authority was also asked to send the Commissioner the information withheld from the Applicant. The Authority provided the information, and the case was subsequently allocated to an investigating officer.
9. 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 handling of the Applicant’s request and the process under which road traffic collision reports can be requested and obtained from it.

Commissioner’s analysis and findings

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

Validity of the request and the requirement for review

11. Section 8(1) of FOISA sets down the basic requirements for a valid request for information made in terms of section 1(1). These are set out in more detail at paragraph 22.
12. Section 20(1) of FOISA provides that a person who is dissatisfied with the way in which a Scottish public authority has dealt with a request for information may require it to review its

¹ <https://www.scotland.police.uk/access-to-information/provision-of-reports/>

actions and decisions in relation to that request. Section 20(3) of FOISA sets down the basis requirements for a valid requirement for review. These are set out in more detail at paragraph 32.

The Applicant's submissions

13. As stated above, the Applicant was dissatisfied that the Authority had refused to provide them with the information specified in their request of 29 May 2025. They explained that they believed that the information should be “readily released”.

The Authority's submissions

14. The Authority explained that it had not responded to the Applicant's request of 29 May 2025 under FOISA because the Applicant had previously applied for (and been provided with, after paying a fee) an abstract of a road traffic collision report through a process outwith FOISA.
15. The Authority described this process as “a well-established process, significantly pre-dating the formation of [the Authority], which exists within all UK police forces.” It further explained that it was a “paid for service” in accordance with section 87 of the [Police and Fire Reform \(Scotland\) Act 2012](#)², and that fees were set by the National Police Chiefs' Council (NPCC) (set out in [Appendix 2: National Policing Guidelines on Charging for Police Services](#)³).
16. The Authority explained that it received thousands of requests for these abstracts each year. It said that when an individual used this process, they were not asking for a copy of a road traffic collision report, but an abstract of it (which it described as a “defined product”). It explained that the abstract was standard across the UK in terms of what is included, and it was designed to be sufficiently detailed to meet the needs of the requesters – predominantly insurance companies and solicitors.
17. The Authority's position was that not only was it under “no obligation to reply to the request under FOI legislation, the requester received exactly what they asked for.” While it appreciated that the Applicant was disappointed with the level of detail provided, it said that the Applicant had requested and paid for an abstract, which they were provided.
18. The Authority suggested that requests for abstracts of road traffic collision reports fell within the definition of a “business as usual” request in accordance within the Scottish Ministers' Code of Practice on the Discharge of Functions by Scottish Public Authorities under the FOISA and the Environmental Information (Scotland) Regulations 2004 ([the Section 60 Code](#)⁴).
19. The Authority also suggested that it would compare such a request to a subject access request (SAR) in terms of Article 15 of the GDPR or section 45 of the Data Protection Act 2018. It said that it also received thousands of SARs each year and submitted that where there were existing processes to deal with such requests, there was no value in also responding to them under FOISA and offering an additional response.

² <https://www.legislation.gov.uk/asp/2012/8/part/1/chapter/13>

³ <https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/publications-log/finance/2025/npcc-guidelines-on-charging-for-police-services---general-2025-v4.pdf>

⁴ <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2016/12/foi-eir-section-60-code-of-practice/documents/foi-section-60-code-practice-pdf/foi-section-60-code-practice-pdf/govscot%3Adocument/FOI%2B-%2Bsection%2B60%2Bcode%2Bof%2Bpractice.pdf>

20. The Authority emphasised that the abstract report provided to the Applicant under the paid process would not have been provided under FOISA. It said that this information would be considered exempt under various sections in FOISA and explained why.
21. In summary, the Authority concluded that FOISA was not the “appropriate route” for such requests or raising dissatisfaction with the process. It suggested that the Applicant instead attempt to access the information another way, where their “particular circumstances and legal status” could be taken into account.

The Commissioner’s view

Validity of the request

22. Section 8(1) of FOISA sets down the following basic requirements for a valid request for information made in terms of section 1(1):
 - (a) it is in writing or another form which, by reason of its having some permanency, is capable of being used for subsequent reference
 - (b) states the name of the applicant and an address for correspondence; and
 - (c) describes the information requested.
23. The Commissioner is satisfied that the Applicant’s email of 29 May 2025 satisfied all the requirements in section 8(1) of FOISA and that they submitted a valid request for information.
24. However, the Commissioner understands why the Authority did not identify the Applicant’s email of 29 May 2025 as an information request in terms of section 1(1) of FOISA, given that it was sent to the Authority in the context of the earlier provision of an abstract of a road traffic collision report – an established paid process for a defined product.
25. For the avoidance of any doubt, the Commissioner is not charged here with considering the Authority’s application of the established paid process. He would, however, urge the Authority to satisfy itself that this is genuinely a service, involving something more than simply the provision of recorded information (and also to bear in mind that it cannot be both such a service and “business as usual” for the purposes of the Section 60 Code – re which see further below).
26. Given that the Applicant’s request of 29 May 2025 did comply with the requirements of section 8(1) of FOISA, the Commissioner must consider whether the Authority’s response to that request complied with the relevant requirements of FOISA. (As stated in previous decisions, a requester is not required to refer to FOISA when making an information request to a Scottish public authority.)
27. Given that the Applicant’s email of 29 May 2025 constituted a valid request for information and the Authority refused to provide them with the information requested, the Authority had a duty to provide the Applicant with a response which complied with section 16 of FOISA.
28. As stated above, the Authority suggested that the Applicant’s request of 29 May 2025 fell within the definition of a “business as usual” request in accordance with the Section 60 Code. The relevant paragraphs in the Section 60 code state:
 - 9.13.1 Under the regimes, any written request for recorded information to a Scottish public authority is technically a request under FOISA or the EIRs. This includes the routine requests authorities often refer to “business as usual” where:

- the requests are simple and straightforward
- the authority releases all the requested information on time, and
- it is unlikely that the applicant will be dissatisfied with the response.

9.13.2 Any response which does not meet all of the above criteria must include full details on review procedures...

29. In view of the above, the Commissioner does not consider that the Applicant's request of 29 May 2025 fell within the definition of a "business as usual" request. In this case, the Applicant was clearly seeking further information and that information was not information that the Authority did (or intended to) disclose in full to the Applicant – an outcome the Applicant would be likely to be dissatisfied with.
30. Section 16(1) of FOISA states that where an authority holds information which is subject to a request under section 1(1) of FOISA, and which it intends to withhold under any exemption, the authority must give the applicant notice in writing to the effect that the information is held and specify which exemption it considers applies to the information (with reasons). Section 16(6) of FOISA also makes it clear that a notice in terms of section 16(1) is subject to section 19 of FOISA, which requires the authority to include details of their right to seek a review and to apply to the Commissioner.
31. In this case, the Authority failed to respond to the Applicant's request in terms of FOISA. Consequently, the Commissioner finds that the Authority failed to comply with the requirements of sections 16 and 19 of FOISA, as outlined above, in responding to the Applicant's request for information.

Validity of the requirement for review

32. Section 20(3) of FOISA provides that a requirement for review must be in writing or some other form of permanency, it must state the name of the applicant and an address for correspondence, and it must specify the request for information to which the requirement for review relates and the matter which gives rise to the applicant's dissatisfaction
33. While the Applicant's email of 5 June 2025 contains several points that are not relevant to whether the information requested should be disclosed under FOISA, the Commissioner is satisfied that it expresses broad dissatisfaction that the Authority had refused to disclose the redacted information requested in the Applicant's information request of 29 May 2025. He is therefore satisfied that the Applicant's email of 5 June 2025 satisfied all the requirements in section 20(3) of FOISA and that they submitted a valid requirement for review.
34. In this case, the Authority failed to respond to the Applicant's requirement for review in terms of FOISA. Consequently, the Commissioner finds that the Authority failed to comply with the requirements of section 21 of FOISA in responding to the Applicant's request for information.

Next steps

35. As the Applicant submitted a valid request for information and a valid requirement for review, but the Authority failed to respond in terms of FOISA, the Commissioner requires the Authority to issue the Applicant with a review outcome in terms of section 21 of FOISA.
36. When issuing its review outcome, the Authority must either disclose the information requested to the Applicant or, if it wishes to withhold it, ensure that it clearly identifies the

information that is being withheld and justifies and explains why that information is being withheld.

37. As stated above, the Authority indicated that it would apply exemptions under FOISA to withhold the redacted information requested by the Applicant. If, as appears likely, the Authority does withhold this information under FOISA, the Commissioner would encourage it to provide advice and assistance (in terms of section 15 of FOISA) regarding any alternative routes that might allow the Applicant to obtain the information requested.
38. For the avoidance of doubt, this decision notice only relates to the Authority's handling of the Applicant's information request of 29 May 2025. As indicated above, the Commissioner is not considering here the Authority's handling of the request the Applicant made on 15 November 2023 under an established paid process
39. Similarly, this decision notice should not be read as suggesting that the redacted information requested by the Applicant ought to be disclosed by the Authority. Instead, it simply finds that, in the specific circumstances of this case, the Applicant submitted a valid request for information and requirement for review and requires the Authority to issue a review outcome in terms of section 21 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.

In the circumstances, the Commissioner has concluded that the Applicant's request of 29 May 2025 to the Authority met the requirements of section 8(1) of FOISA and so was a valid information request for the purposes of section 1(1). The Applicant also made a valid requirement for review in terms of section 20(3) of FOISA. On this basis, the Authority was under an obligation to respond to the request and requirement for review in terms of FOISA.

The Commissioner therefore requires the Authority to conduct a review in relation to the Applicant's requirement for review (in accordance with section 21 of FOISA) and to notify them of the outcome, by 1 May 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

17 March 2026