



Scottish Information  
Commissioner  
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# Decision Notice 098/2026

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## Draft Integrated Impact Assessments

Authority: Aberdeen City Council  
Case Ref: 202500882

### Summary

The Applicant asked the Authority for a specified Integrated Impact Assessment document and information relating to updates and revisions to that document. The Authority provided a copy of the published document but withheld the other information requested on the basis that disclosure would, or would be likely to, prejudice substantially the effective conduct of public affairs. The Commissioner investigated and found that the Authority had failed to interpret the request correctly. He required the Authority to carry out a new review and provide the Applicant with a revised review outcome.

### 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 7 April 2025, the Applicant made a request for information to the Authority. She asked for:  
“The live/updated Integrated Impact Assessment document(s) related to Changes to Organisational Design to reduce operating costs prepared for the 2024 budget- showing updates, revisals, version history/control, track changes (or similar features in other software), with author/ revisor information, date/times of revisals, version of document (if multiple different copies created). To include drafts, optional clauses, revised drafts, suggested alterations, comments, deletions, notes.”

2. The Authority responded on 7 May 2025. It provided a finalised Integrated Impact Assessment but withheld information on the live/updated Integrated Impact Assessment under the exemption in section 30(c) of FOISA.
3. Later that same day, the Applicant wrote to the Authority requesting a review of its decision. She stated that she was dissatisfied with the decision because she did not agree that the exemption in section 30(c) of FOISA applied.
4. The Authority notified the Applicant of the outcome of its review on 5 June 2025, which fully upheld its original decision.
5. On 5 June 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. The Applicant stated that she was dissatisfied with the outcome of the Authority's review because she did not agree that the exemption in section 30(c) of FOISA applied and, in any event, she considered that the public interest favoured disclosure.

## **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 11 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.

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

9. The Commissioner has considered all of the submissions made to him by the Applicant 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 are not applicable in this case.
11. In terms of section 1(4) of FOISA, the information to be provided in response to a request under section 1(1) is that falling within the scope of the request and held by the authority at the time the request is received. This is not necessarily to be equated with information an applicant believes the authority should hold.
12. In considering whether a Scottish public authority has complied with the requirements of FOISA or the EIRs in any given case, the Commissioner must be satisfied that the authority has carried out adequate, proportionate searches in the circumstances, taking account of the terms of the request and all other relevant circumstances.

13. The Commissioner will consider the scope, quality, thoroughness and results of those searches, applying the civil standard of proof (the balance of probabilities). Where appropriate, he will also consider any reasons offered by the public authority to explain why it does not, or could not reasonably be expected to, hold the information.
14. In all cases, it falls to the public authority to persuade the Commissioner, with reference to adequate, relevant descriptions and evidence, that it does not hold the information (or holds no more information than it has identified and located in response to the request).
15. In this case, the Authority acknowledged that it had not provided the Commissioner, as part of the withheld information, with the version history of the information withheld under section 30(c) of FOISA. It suggested that providing this information would constitute the creation new information.
16. The Commissioner notes that version histories and track changes were expressly requested by the Applicant in her initial request. Given that this information does not appear to have been covered by the Authority's searches, the Commissioner cannot be satisfied that the Authority has correctly interpreted the Applicant's request. He also cannot be satisfied the Authority has carried out adequate and proportionate searches to establish all of the information falling within the scope of the Applicant's request.
17. In the above respects, the Commissioner therefore finds that the Authority failed to comply with section 1(1) of FOISA in responding to the Applicant's request.
18. Consequently, the Commissioner requires the Authority to fully reconsider the Applicant's request and issue her with a revised review outcome (in terms of section 21 of FOISA). In doing so, the Authority must ensure it has identified the correct scope of the request and carry out fresh searches (which must be adequate and proportionate) for the information requested.
19. If, following these searches, the Authority considers that addressing any part of the Applicant's request would require it to create new information, the Authority should, to the extent that the information requested is not held, issue the Applicant a notice, in terms of section 17(1) of FOISA, to that effect. However, the Commissioner would urge the Authority to consider his [guidance on section 17 of FOISA](#)<sup>1</sup> before doing so.

## 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, by failing to correctly interpret the Applicant's request, and consequently failing to carry out adequate searches, the Authority failed to comply with section 1(1) of FOISA.

The Commissioner therefore requires the Authority to fully reconsider the Applicant's request, carry out adequate and proportionate searches, reach a decision on the basis of these searches, and notify the Applicant of the outcome of these searches (all in terms of section 21 of FOISA), by 22 June 2026.

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<sup>1</sup> [BriefingSection17Informationnoheld.pdf](#)

## **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**

**7 May 2026**