



Scottish Information
Commissioner
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Decision Notice 131/2026

Use of glyphosate in weed control

Authority: City of Edinburgh Council
Case Ref: 202501575

Summary

The Applicant asked the Authority for information about the use of glyphosate in weed control. The Authority provided some information and informed the Applicant that it did not hold certain other information. The Applicant remained dissatisfied that the Authority had not fully responded to parts of its request. The Commissioner investigated and found that the Authority had failed to fully respond, in terms of the EIRs, to the parts of the request under consideration. He required the Authority to carry out fresh searches and to issue a revised review outcome for these parts.

Relevant statutory provisions

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

[The Environmental Information \(Scotland\) Regulations 2004](#)² (the EIRs) regulations 2(1) (definition of “the Act”, “applicant”, “the Commissioner” and paragraphs (a), (b), (c) and (f) of “environmental information”) (Interpretation); 5(1) and (2)(b) (Duty to make environmental information available on request); 10(1), (2) and (4)(a) (Exceptions from duty to make environmental information available); 17(1), (2)(a) and (b) (Enforcement and appeal provisions).

¹ <https://www.legislation.gov.uk/asp/2002/13/contents>

² <https://www.legislation.gov.uk/ssi/2004/520/contents>

Background

1. On 27 June 2026, the Applicant made a 13-part request for information to the Authority about the use of glyphosate in weed control, which included the following questions:

Q3 What viability studies/trials were done, what assessment was done to justify investment in this type of safe alternatives rather than a hot foam or hot water machine?

Q8 [The Authority] states only limited amounts of glyphosate for “certain areas” of streets will have glyphosate applied and glyphosate will continue to be used citywide on areas when weeds are “substantial”.

Could we have more specific detail please. ”Limited” or “substantial” could mean a variety of things to a variety of people, leaving residents questions unanswered. We cannot expect residents to go ahead and manually weed their street to support [the Applicant] and [the Authority], if they do not have the assurance that it is safe for THEM or their children to do so and that no glyphosate has or will be applied.

Q10 Please may we have receipted details of the most recent order of glyphosate by [the Authority].

Q11 Now that [the Authority has] admitted there are health implications with using glyphosate, have they taken note of operatives who have worked or are working with glyphosate and have experienced ill health, especially non-Hodgkin lymphoma?

Q12 If a complaint is made about the weeds via [the Authority] website or communicated otherwise, does [the Authority] offer to remove the highlighted weeds safely in line with Edinburgh’s request for safe weed removal or does [the Authority] choose whether to use safe alternative or the KNOWN HARMFUL CHEMICAL GLYPHOSATE.

2. The remaining parts of the Applicant’s request do not form part of the Commissioner’s investigation. The Applicant’s request is set out in full in Appendix 1 to this Decision Notice. The Appendix forms part of this Decision Notice.

3. The Authority responded on 23 July 2025 as follows, having considered the request under the EIRs:

Q3 It stated that machines were used all over Europe and provided a [weblink](#)³.

Q8 It stated, in terms of regulation 10(4)(a) of the EIRs, that the information was not available.

Q10(a) It stated “Purchased in 2024”.

Q11 It stated that it was “unaware of this statement”.

Q12 It stated “Answered at Q8”, again relying on regulation 10(4) of the EIRs.

4. On 28 July 2025, the Applicant wrote to the Authority requesting a review of its decision. The Applicant stated that they were dissatisfied with the decision because they believed the Authority had not fully answered parts 3, 8, 11 and 12, and had provided no receipted details for 2024 for part 10(a).

³ <https://etesiagreentechnology.co.uk/products/city-cut-brush-cutter/>

5. The Authority notified the Applicant of the outcome of its review on 27 August 2025 as follows:
- Q3 It stated that hot foam and hot water systems had been trialled and found to be ineffective and expensive by several studies by it and other Councils.
- Q8 It stated that “substantial” meant areas where resources to manually or mechanically weed were not effective (e.g. large settled areas).
- Q10(a) It provided a monetary figure for 2024 for the purchase of glyphosate.
- Q11 It stated that it “disagree[d] with this statement”.
- Q12 It stated that, as the removal of weeds was not a statutory function, an assessment of the area would be made and the most appropriate treatment of the area would be undertaken.
6. On 5 September 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. By virtue of regulation 17 of the EIRs, Part 4 of FOISA applies to the enforcement of the EIRs as it applies to the enforcement of FOISA, subject to specified modifications. The Applicant stated that they were dissatisfied with the outcome of the Authority’s review because, in the Applicant’s view:
- the Authority had again failed to fully answer parts 3, 8 and 12;
 - for part 11, the Authority had, in response to a previous information request in 2024, discussed health as being an issue, and
 - the Authority had again failed to provide the receipted details requested in part 10(a).

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.
8. On 29 October 2025, the Authority was notified in writing that the Applicant had made a valid application, and the case was subsequently allocated to an investigating officer.
9. At the start of the investigation, the Applicant provided the Commissioner with further submissions in support of their dissatisfaction with the Authority’s handling of parts 3, 8, 10(a), 11 and 12 of the request.
10. 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 focussed on the searches and enquiries undertaken by the Authority to establish whether it held any recorded information falling within the scope of parts 3, 8, 10(a), 11 and 12 of the request.
11. The Authority provided submissions to the Commissioner during the investigation.

Commissioner's analysis and findings

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

Handling in terms of the EIRs

13. The Authority considered the Applicant's request in accordance with the EIRs, on the basis that the information requested was environmental information as defined in regulation 2(1) of the EIRs.
14. Where information falls within the scope of this definition, a person has a right to access it (and the public authority has a corresponding obligation to respond) under the EIRs, subject to the various restrictions and exceptions contained in the EIRs.
15. The Commissioner notes that the request sought information about the Authority's approach to weed removal and the associated use of the chemical glyphosate (with regard to the governance of its use, its procurement and its impact on human health and safety) in a specific area. He is satisfied that the information requested by the Applicant falls within the definition of environmental information set out in regulation 2(1) of the EIRs, in particular paragraphs (a), (b), (c) and (f) of that definition. The Applicant has not challenged the Authority's decision to deal with the request as one for environmental information and the Commissioner will consider the handling of the request in what follows solely in terms of the EIRs.

Regulation 5(1) – Duty to make available environmental information on request

16. Regulation 5(1) of the EIRs requires a Scottish public authority which holds environmental information to make it available when requested to do so by any Applicant. This obligation relates to information that is held by the authority when it receives a request.
17. On receipt of a request for environmental information, therefore, the authority must ascertain what information it holds falling within the scope of the request. Having done so, regulation 5(1) requires the authority to make that information available, unless a qualification in regulations 6 to 12 applies (regulation 5(2)(b)).
18. Under the EIRs, a Scottish public authority may refuse to make environmental information available if one or more of the exceptions in regulation 10 applies and, in all the circumstances, the public interest in making the information available is outweighed by that in maintaining the exception.

Regulation 10(4)(a) of the EIRs

19. Regulation 10(4)(a) of the EIRs states that a Scottish public authority may refuse to make environmental information available to the extent that it does not hold that information when the applicant's request is received.
20. 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. He 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.

21. In its submissions to the Commissioner, the Authority stated that, in respect of searches carried out to support its reliance on regulation 10(4)(a), its Neighbourhood Services had sufficient operational knowledge to confirm that it held no information for parts 8, 11 and 12.

Whether the Authority held any further information for parts 3, 8, 10(a), 11 and 12 of the request

Part 3 of request

22. The Applicant informed the Commissioner that they expected to receive, as a minimum, information similar to what was undertaken for any other safe alternative methods trialed by the Authority prior to investment. In particular, the Applicant referred to the FoamStream Trial (suggested by them) which was followed by a written report with photographs. The Applicant commented that they were seeking to understand what made trimmers more viable than hot water or Foamstream.
23. In its submissions to the Commissioner, the Authority provided the Commissioner with a copy of the FoamStream Trial document. It submitted that it was aware that the Applicant had been supplied with this information outwith the EIRs process.

The Commissioner's view - Part 3 of the request

24. It is clear to the Commissioner that the Authority's response, at review, does not confirm either way whether it held any in-scope information that would satisfy part 3 of the request. He also notes that the Authority's submissions failed to provide any evidence or explanation of searches for any in-scope information for this part of the request.
25. With regard to the FoamStream Trial document provided by the Authority with its submissions, the Commissioner notes that this details a trial of the glyphosate-free treatment "FoamStream" carried out by the Authority in Balerno in 2021, following an approach made to the Authority by the Applicant, raising concerns about the Authority's use of glyphosate in controlling weeds. As such, the Applicant is clearly already aware of the existence of this document.
26. However, it is unclear to the Commissioner what the Authority's position is, in terms of the EIRs, for this information, with regard to its relevance to this part of the Applicant's request.
27. The Commissioner concludes that the Authority failed to comply with regulation 5(1) of the EIRs (subject to regulation 5(2)), by failing to confirm, at review stage, whether it held any in-scope information for this part of the request and (if so) by failing to either make that information available or withhold it under a provision in the EIRs.
28. The Commissioner therefore requires the Authority to carry out full and thorough searches for any in-scope information (which he expects to see evidence of) and to issue a fresh EIRs-compliant review outcome in this regard.

Part 8 of request

29. The Applicant submitted that it was necessary to have the terms used by the Authority quantified to know exactly how much, and where, glyphosate was used, including what measurements the Authority regarded as "substantial".

30. In its submissions to the Commissioner, the Authority confirmed that it did not hold any recorded information defining the terms “large settled area”, “limited” or “substantial”. It explained that guidance was given to staff on this, but this was cascaded verbally and not documented. The Authority stated that it held no guidance, policy or procedural documentation that might satisfy the information the Applicant expected to receive in response to this part of the request. In light of this, the Authority confirmed that it wished to continue to rely on regulation 10(4)(a) for this part of the request.

The Commissioner’s view - Part 8 of the request

31. It is clear to the Commissioner that, while the Authority had relied on regulation 10(4)(a) in its initial response, it did not confirm what its position was, at review, in this regard. In the Commissioner’s view, the Authority’s position, at review, was unclear as to whether it was, at that time, still continuing to rely on regulation 10(4)(a). The Commissioner notes that the Authority has now confirmed that it “continues” to rely on regulation 10(4)(a).
32. The Commissioner has considered the Authority’s explanation with regard to searches in support of its reliance on regulation 10(4)(a), i.e. that its Neighbourhood Services has “sufficient operational knowledge” to confirm that it holds no information for this part. He notes, however, that the Authority has provided no evidence to support this position.
33. The Commissioner concludes that the Authority failed to comply with regulation 5(1) of the EIRs (subject to regulation 5(2)), by failing to confirm, at review, whether it held any in-scope information for this part of the request and (if so) by failing to either make that information available or withhold it under a provision in the EIRs (or, if not, by confirming its continued reliance on regulation 10(4)(a)).
34. The Commissioner therefore requires the Authority to carry out full and thorough searches for any in-scope information (which he expects to see evidence of) and to issue a fresh EIRs-compliant review outcome in this regard.

Part 10(a) of request

35. The Applicant confirmed to the Commissioner that they wished to obtain copies of the full receipts showing details of the Authority’s purchase of glyphosate.
36. In its submissions, the Authority provided the Commissioner with copies of eight invoices detailing various purchases, including the purchase of glyphosate.

The Commissioner’s view - Part 10(a) of the request

37. It is clear to the Commissioner that, while the Authority provided a monetary figure at review stage, it failed to confirm to the Applicant whether it held the actual invoices, and either make them available or withhold them under a provision in the EIRs.
38. While the Authority clearly holds the in-scope information, having provided copies to the Commissioner during the investigation, he notes that the Authority’s submissions failed to provide any evidence or explanation of searches for this information, or explain what the Authority’s position was for this information, in terms of its disclosure under the EIRs.
39. Having considered the content of the invoices provided to him by the Authority, the Commissioner is unclear as to why certain of these are considered to fall within scope, given they appear to list some purchases that do not contain glyphosate. In addition, the Commissioner notes that the total value of these invoices does not match with the figure disclosed in the Authority’s review response.

40. The Commissioner concludes that the Authority failed to comply with regulation 5(1) of the EIRs (subject to regulation 5(2)), by failing to confirm, at review stage, whether it held any in-scope information for this part of the request and (if so) by failing to either make that information available or withhold it under a provision in the EIRs.
41. The Commissioner therefore requires the Authority to carry out full and thorough searches for any in-scope information (which he expects to see evidence of) and to issue a fresh EIRs-compliant review outcome in this regard (either disclosing the information to the Applicant or withholding it under a provision in the EIRs). The Commissioner would urge the Authority to ensure that, in doing so, it only considers information relating to the purchase of glyphosate.

Part 11 of request

42. In the Applicant's view, the Authority had failed to fully respond to this part of their request. They submitted that the Authority was aware of the risk to human health and the environment, as this had been alluded to in a previous FOI response by the Authority, and had been discussed at a Council meeting in 2016.
43. In its submissions to the Commissioner, the Authority submitted that it held no records of any staff members becoming ill due to the use of glyphosate. In support of its position, it provided a list of the categories used to record sickness absence in its HR system, explaining that it would not be possible to directly record whether glyphosate was the cause of an absence.
44. The Authority confirmed that it wished to rely on regulation 10(4)(a) for this part of the request.

The Commissioner's view - Part 11 of the request

45. It is clear to the Commissioner that the Authority's response, at review does not confirm either way whether it held any in-scope information that would satisfy part 11 of the request.
46. The Commissioner has checked the categories which the Authority uses to record sickness absence in its HR system. Having done so, the Commissioner understands that, were an employee to be absent as a result of the use of glyphosate, the relevant sickness absence category to be used would depend upon the nature of the condition experienced – examples could include "respiratory investigation", "eye infection", "headache".
47. However, from the submissions provided by the Authority, and in the absence of any evidence of searches or further explanation, the Commissioner is unclear as to whether the information requested could be identified via any further in-depth searches, for example (but not limited to) searches of individual HR records, or other fields in the Authority's HR system where such information could be recorded.
48. The Commissioner concludes that the Authority failed to comply with regulation 5(1) of the EIRs (subject to regulation 5(2)), by failing to confirm, at review, whether it held any in-scope information for this part of the request and (if so) by failing to either make that information available or withhold it under a provision in the EIRs (or, if not, by confirming its reliance on regulation 10(4)(a)).
49. The Commissioner therefore requires the Authority to carry out full and thorough searches for any in-scope information (which he expects to see evidence of) and to issue a fresh EIRs-compliant review outcome in this regard.

Part 12 of request

50. The Applicant submitted that the Authority had failed to fully respond to this part of their request, seeking information on whether or not the Authority offered the safe removal of weeds. They queried whether the “most appropriate treatment” (referred to in the Authority’s review response) included the offer of safe alternatives.
51. The Authority explained that, in its initial response, it had incorrectly referred the Applicant to its response to part 8 of the request. It submitted it ought to have correctly referred to its initial response to part 6 of the request which listed streets where glyphosate should be applied.
52. The Authority reiterated that it did not have a documented procedure for managing weed growth. It explained that the determining factors in handling any such complaint included on-street assessment, whether the weeds were a trip hazard, whether the streets were cobbled (settled streets), and whether the location was on the agreed list where glyphosate would not be applied.
53. The Authority confirmed that it wished to continue to rely on regulation 10(4)(a) for this part of the request.

The Commissioner’s view - Part 12 of the request

54. It is clear to the Commissioner that, while the Authority relied on regulation 10(4)(a) in its initial response, it did not confirm what its position was, at review, in this regard. In the Commissioner’s view, the Authority’s position, at review, was unclear as to whether it was, at that time, still continuing to rely on regulation 10(4)(a). The Commissioner notes that the Authority has now confirmed that it “continues” to rely on regulation 10(4)(a).
55. The Commissioner has considered the Authority’s explanation with regard to searches in support of its reliance on regulation 10(4)(a), i.e. that its Neighbourhood Services has “sufficient operational knowledge” to confirm that it holds no information for this part. He notes, however, that the Authority has provided no evidence to support this position.
56. The Commissioner concludes that the Authority failed to comply with regulation 5(1) of the EIRs (subject to regulation 5(2)), by failing to confirm, at review, whether it held any in-scope information for this part of the request and (if so) by failing to either make that information available or withhold it under a provision in the EIRs (or, if not, by confirming its continued reliance on regulation 10(4)(a)).
57. The Commissioner therefore requires the Authority to carry out full and thorough searches for any in-scope information (which he expects to see evidence of) and to issue a fresh EIRs-compliant review outcome in this regard.

Searches

58. During the investigation, the Authority was asked to provide full details of the searches and enquiries it had carried out to identify what information it held for each of parts 3, 8, 10, 11 and 12 of the request.
59. Having considered the Authority’s submissions, the Commissioner considers these are somewhat lacking in relation to any searches carried out. The Commissioner notes that the Authority has provided no evidence or explanation of searches for any of these parts of the request (other than to refer to the knowledge of Neighbourhood Services). In light of this, the

Commissioner cannot be satisfied as to whether the Authority might hold any further recorded information falling within the scope of these parts of the request.

60. The Commissioner therefore requires the Authority to carry out full and thorough searches, and provide him with evidence of these, to support the revised review responses required above.

Handling of request

61. In its submissions to the Commissioner, the Authority stated that it was satisfied that it had considered any recorded information it held that fell within the scope of the request and therefore had met its obligations under the EIRs.
62. It acknowledged, however, that having reviewed the review response provided to the Applicant, these did not address, through the scope of the EIRs, the points of concern raised in the Applicant's request for review and read, in effect, like comments or retorts.
63. In the Commissioner's view, given the lack of evidence of searches and the failure to issue EIRs-compliant responses at review stage, the Authority's handling of both the initial request and the request for review fell short of the standard he would expect in terms of FOISA and the EIRs, particularly given the size of the Authority and its experience in handling information requests. He would urge the Authority to reflect on this going forward.

Decision

The Commissioner finds that the Authority failed to comply with the Environmental Information (Scotland) Regulations 2004 (the EIRs) in responding to parts 3, 8, 10(a), 11 and 12 of the information request made by the Applicant.

The Commissioner finds that the Authority failed to comply with regulation 5(1) of the EIRs (subject to regulation 5(2)), by failing to confirm, at review, whether it held any in-scope information for each of these parts of the request and (if so) by failing to either make that information available or withhold it under a provision in the EIRs (or, if not, by confirming reliance on regulation 10(4)(a)).

The Commissioner therefore requires the Authority to carry out full and thorough searches, for each of parts 3, 8, 10(a), 11 and 12 of the request, to identify any in-scope information held (which he expects to see evidence of) and to issue a fresh EIRs-compliant review outcome in this regard for each of these parts of the request.

The Commissioner therefore requires the Authority to carry out these steps by **13 July 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.

Jill Walker
Deputy Head of Enforcement

27 May 2026

Appendix 1 : Full text of Applicant's request of 27 June 2025

- 1 Please confirm that Balerno will have the recently purchased electrical trimmers used as part of the integrated safe alternative weed removal approach for 2025?
- 2 What was the cost of the trimmers?
- 3 What viability studies/trials were done, what assessment was done to justify investment in this type of safe alternatives rather than a hot foam or hot water machine?
- 4 What specific reasons were trimmers chosen? For example do they reach the hard to reach areas we often hear about being a problem? For example [the Authority has] previously mentioned cobbled sets as difficult to treat using safe alternative methods - do trimmers accommodate?
- 5 In 2020 [the Applicant] requested hot foam or hot water machines replaced glyphosate for weed removal. Additional benefits of the machines were shared at this time - could deal with graffiti, chewing gum, cleaning signs and bus shelters. In recent years, [the Authority] went on to invest in a hot water machine but it has been stated it will be used for graffiti removal only.

How many days of the year is this hot water machine in use?

Could it and/or the second hot water machine which has recently been purchased be shared between departments to help remove the weeds all over the city?

- 6 [The Authority has] stated if certain streets wish no glyphosate to be applied this can be arranged, on a street by street basis. Could we have the list of specific streets wishing no further applications of glyphosate.

[The Authority has] been asked clearly for specifics as to where glyphosate, the KNOWN harmful to health chemical, will or will not continue to be used, but non-specific replies of "limited use" "only on hard to reach areas" "where there is substantial weed growth" "certain areas" leave residents uncertain.

Apart from Balerno, please can we have specific listed streets in Edinburgh that have made agreement, or specific streets where it has been decided, for no more glyphosate to be applied.

Can we have listed 2024 streets that did not have glyphosate applied and proposed 2025 streets not to have glyphosate or any other harmful chemical applied.

- 7 Responses that "part of" area will have glyphosate applied and "part of" an area will not have glyphosate applications, without any specifics, is extremely disconcerting and unhelpful for people who need and want to avoid a chemical which could cause them or a family member further harm.

How does a mum warn her youngster not to play in a certain area of the street if she doesn't know where that certain area is?

How does a pet owner avoid walking down a recently applied street and choose an alternate route if they don't know which street has had applications and which hasn't?

How can volunteers help the initiative by weeding their street/area manually without first guarantees from [the Authority] that no harmful chemicals have been applied?

Why, if [the Authority knows] and [is] aware of when and where they apply glyphosate, [is it] withholding this crucial information from those who may be vulnerable to exposures from it?

- 8 [The Authority] states only limited amounts of glyphosate for “certain areas” of streets will have glyphosate applied and glyphosate will continue to be used citywide on areas when weeds are “substantial”.

Could we have more specific detail please. “Limited” or “substantial” could mean a variety of things to a variety of people, leaving residents questions unanswered. We cannot expect residents to go ahead and manually weed their street to support [the Applicant] and [the Authority], if they do not have the assurance that it is safe for THEM or their children to do so and that no Glyphosate has or will be applied.

- 9 SUBSTANTIAL - specifically what height, width, length of weeds would mean resorting to glyphosate? What measurements are considered “substantial”?
- 10 Please may we have receipted details of the most recent order of glyphosate by [the Authority]. We have been told approximately just over 1000 litres [were] purchased for 2024. What order was placed for 2025?

We wonder is there some sort of 10 year tie-in clause with the company that [the Authority] uses that we cannot withdraw from?

- 11 Now that [the Authority has] admitted there are health implications with using glyphosate, have they taken note of operatives who have worked or are working with glyphosate and have experienced ill health, especially non-Hodgkin lymphoma?
- 12 If a complaint is made about the weeds via [the Authority] website or communicated otherwise, does [the Authority] offer to remove the highlighted weeds safely in line with Edinburgh’s request for safe weed removal or does [the Authority] choose whether to use safe alternative or the KNOWN HARMFUL CHEMICAL GLYPHOSATE.
- 13 Over the last 10 years how much money has been spent on weed removal of glyphosate or other weed control? Please list each individually per year , for example 2015- glyphosate £———, 2016- street sweepers £———

End of request