



Scottish Information
Commissioner
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Decision Notice 137/2026

Meeting minutes

Authority: Scotland's Rural College
Case Ref: 202501303

Summary

The Applicant asked the Authority for meeting minutes relating to a number of board and sub-committee meetings. The Authority advised that fulfilling the request would exceed the £600 cost limit, and so it was not obliged to comply. The Commissioner investigated and found that the Authority was entitled to refuse to comply on the grounds of excessive cost. However, the Commissioner also found that the Authority failed to provide adequate advice and assistance to the Applicant.

Relevant statutory provisions

[Freedom of Information \(Scotland\) Act 2002 \(FOISA\) sections 1\(1\)¹, \(2\) and \(6\)](#) (General entitlement); (10) (time for compliance); (12) (excessive cost); (15) (duty to advise and assist); 47(1) and (2) (Application for decision by Commissioner).

[The Freedom of Information \(Fees for Required Disclosure\) \(Scotland\) Regulations 2004²](#) (the Fees Regulations) regulations 3 (Projected costs); 5 (Excessive cost – prescribed amount).

Background

1. On 6 May 2025, the Applicant made a request for information to the Authority. She asked for the following information:

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

² <https://www.legislation.gov.uk/ssi/2004/467/contents/made>

- I. SRUC Board Meeting Minutes not so far published – in person and online between 1 January 2023 and 5 May 2025 (as referred to in published Minutes)
- II. SRUC Ventures Ltd Board Meeting Minutes – in person and online between 1 January 2023 and 5 May 2025
- III. A copy of the SRUC Ventures Ltd remit
- IV. SRUC Innovation Ltd Board Meeting Minutes – in person and online between 1 January 2023 and 5 May 2025
- V. A copy of the SRUC Innovation Ltd remit
- VI. SRUC Commercial Ltd Meeting Minutes – in person and online between 1 January 2023 and 5 May 2025
- VII. A copy of the SRUC Commercial Ltd remit
- VIII. SRUC Sub-Committee Remuneration & Appointments Meeting Minutes – in person and online between 1 January 2023 and 5 May 2025
- IX. SRUC Sub-Committee Audit & Risk Meeting Minutes – in person and online between 1 January 2023 and 5 May 2025
- X. SRUC Sub-Committee Finance & Estates Meeting Minutes – in person and online between 1 January 2023 and 5 May 2025
- XI. A copy of the Finance & Estates Sub-Committee remit
- XII. SRUC Sub-Committee Strategic Performance Meeting Minutes – in person and online between 1 January 2023 and 5 May 2025
- XIII. SRUC Sub-Committee Student Liaison Meeting Minutes – in person and online between 1 January 2023 and 5 May 2025
- XIV. SRUC Sub-Committee Transformation Steering Meeting Minutes – in person and online between 1 January 2023 and 5 May 2025
- XV. A copy of the Transformation Steering Sub-Committee remit
- XVI. SRUC Sub-Committee Financial Recovery Programme Board Meeting Minutes – in person and online between 1 January 2023 and 5 May 2025
- XVII. A copy of the Financial Recovery Programme Board remit
- XVIII. A copy of the Financial Recovery Plan (paper 674)
- XIX. A copy of the Elmwood Options Discussion (paper 676)
- XX. The names of the directors who took part in the vote on 12/12/24 regards the Elmwood Options Discussion showing specifically who voted as supportive, who voted as unsupportive and who was not present

2. The Authority responded on 4 June 2025, advising the Applicant that the information could not be provided by the deadline and asked for an additional week to collate the information. The Authority submitted that the request incorporated ten different boards/sub-committees, each of which met approximately four times a year. The Authority wrote to the Applicant again on 9 June 2025 to clarify a few points and the Applicant responded on the same day.

The Authority wrote again on 13 June 2025 to advise that the requested minutes equated to over sixty documents that required redaction for release, so they asked the Applicant if she could narrow her request.

3. On 14 June 2025, the Applicant wrote to the Authority acknowledging that she had allowed the Authority an extra week to respond but advised that she now required all of the information requested. Over the succeeding days there was some exchange about the scope of her request and explanation as to why documents might be redacted. The Authority suggested a way of narrowing the scope here, which the Applicant did not agree to. The Applicant then wrote asking when she could expect a response.
4. The Authority responded to the request on 2 July 2025, where it advised the Applicant that the cost of providing most of the information requested would exceed the excessive cost limit of £600 (specifically parts I, II, III, IV, V, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX of her request) and so it was relying on section 12 of FOISA. In line with its duty to provide advice and assistance the Authority commented on the previous steps it had taken to ask the Applicant to consider narrowing the scope of her request. With regard to information which would fulfil parts VI and VII of the Applicant's request, the Authority referred to earlier correspondence it had with the Applicant in which it outlined the status of SRUC Commercial Ltd as a dormant company with no board or remit. The Authority directed the Applicant to information available on its website which would fulfil parts I and XX of her request.
5. On 2 July 2025, the Applicant wrote to the Authority and asked for a review on the grounds that the Authority had not clarified how much information she could receive within the cost limit. She also asked some further questions in relation to parts I, VI, VII and XX of her request.
6. The Authority notified the Applicant of the outcome of its review on 16 July 2025. The Authority upheld its position that to collate and provide most of the information requested would exceed the £600 cost limit; however, the Authority conceded that it had incorrectly applied section 12 to some parts of her request. The review response stated that section 12 was correctly applied to parts II, IV, VIII, IX, X, XII, XIII, XIV and XVI, only, (all of which relate to board or sub-committee minutes). The Authority provided information for parts I, III, V, XI, XV and XVII of the request. The Authority also informed the Applicant that it was relying on the exemptions in sections 30(c) and 33(1)(b) for withholding information which would fulfil parts XVIII and XIX of her request. In response to the specific questions the Applicant asked in her requirement for review, the Authority informed her, in relation to part I of her request, that all board minutes from March 2025 were available on its website (other than those for June 2025, which were yet to be approved). With regard to part XX of her request, the Authority explained to the Applicant that a tally of votes was taken at the meeting but no record on how individual board members voted was kept. A further explanation was also provided to the Applicant regarding the circumstances relating to the status of SRUC Commercial Ltd in respect of parts VI and VII of her request.
7. On 4 August 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. The Applicant stated she was dissatisfied with the outcome of the Authority's review because of the way it handled her request and its application of the excessive cost provision.

Investigation

8. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.
9. On 29 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.
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 related to the Authority's justification for refusing the request on the basis that it would cost in excess of £600 to comply, and what advice and assistance the Authority had given to the Applicant to help her to refine her request to bring it within the cost limit.

Commissioner's analysis and findings

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

The information held by the Authority

12. Section 1(4) of FOISA provides that 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.
13. In its substantive submissions to the Commissioner, the Authority explained that the meeting minutes requested spanned ten different committees/sub committees covering service provision across the breadth of the organisation. The Authority stated that no specific search was carried out for the information as its Governance Team held a committee schedule setting out the meeting dates of those committee/sub-committees covered by the request. It failed to provide a copy of this schedule with its initial submissions.
14. The Authority told the Applicant that there were over sixty sets of minutes that would need to be reviewed and then in its submissions proceeded to advise the Commissioner that it held sixty-seven sets of minutes and then seventy-five sets of minutes.
15. The Authority supplied a copy of the meeting schedule after being asked to produce it. This confirmed that there were eleven sub-committees comprising a total of seventy-three sets of minutes, which did not match either figure provided in their initial submission document.
16. Having considered the meeting schedule and the explanation provided by the Authority, the Commissioner is satisfied that the Authority holds the recorded information requested by the Applicant which would fulfil parts II, IV, VIII, IX, X, XII, XIII, XIV and XVI of her request. The question he must now address is whether the Authority was correct to refuse the Applicant's request on the basis that responding would exceed the £600 cost limit.

Section 12(1) (Excessive cost of compliance)

17. [Section 12\(1\)](#)³ of FOISA provides that a Scottish public authority is not obliged to comply with a request for information where the estimated cost of doing so would exceed the relevant amount prescribed in the [Fees Regulations](#)⁴. This amount is currently £600 (see regulation

³ <https://www.foi.scot/sites/default/files/2022-03/FeesandExcessiveCostofComplianceBriefing.pdf>

⁴ <https://www.legislation.gov.uk/ssi/2004/467/contents/made>

5). Consequently, the Commissioner has no power to require the disclosure of information should he find that the cost of responding to a request for that information would exceed this sum.

18. The projected costs a Scottish public authority can take into account in relation to a request for information are, according to regulation 3 of the Fees Regulations, the total costs (whether direct or indirect) it reasonably estimates it will incur in locating, retrieving and providing the information requested, in accordance with Part 1 of FOISA. The maximum hourly rate an authority can charge for staff time is £15 per hour. The authority may not charge for the cost of determining (i) whether it actually holds the information, or (ii) whether or not it should provide the information.

The Authority's submissions on section 12(1)

19. The Authority provided the Commissioner with submissions in which they advised that their initial response and review response incorrectly calculated the cost of compliance.
20. The Authority advised that this miscalculation occurred because it had erroneously included time for tasks that should not be included in the calculation, specifically the time needed to decide what they consider sensitive enough to redact in each set of minutes.
21. The Authority stated that it did complete an exercise to determine the costs associated with complying with the request and broke this down to two hours per set of minutes multiplied by sixty-seven sets of minutes which equates to one-hundred and thirty-four hours ($67 \times 2 = 134$). This would mean the cost of compliance would have been £2,010, significantly exceeding the cost limit of £600.
22. The Authority described the process required to collate, prepare and release this information, advising that some of the minutes were held centrally but some were held by lead officers or committee chairs. It cited the application of exemptions in the time requirement; checking them for redactions; sanitizing the document of metadata (citing guidance from the UK ICO in relation to this and the recent [PSNI](#)⁵ data breach as justification for the need to carry out this activity), 'compiling the material into a helpful file type'; and updating file names for the applicant's benefit.
23. The Authority proposed that after removing the time requirement for deciding what can be released from the minutes held, this would reduce the time to forty-five minutes per set of meeting minutes. The new calculation presented would then be forty-five minutes multiplied by seventy-five documents equating to fifty-six hours in total and at a cost of £15 per hour this equals £840. The Authority conceded that this was its mistake. The Authority did not recognise that its total number of records (sets of meeting minutes) changed from sixty-seven to seventy-five.
24. The Authority supplied a link to a copy of one of its [Board meeting minutes](#)⁶ as a worked example to support its calculation. The Authority advised that the staff member responsible for preparing minutes like this was experienced but would still require an hour and a half to prepare the document for release. In this example, there are fourteen redactions applied to a nineteen-page PDF. The Authority argued that the preparation of historic minutes would

⁵ <https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2024/10/what-price-privacy-poor-psni-procedures-culminate-in-750k-fine/>

⁶ <https://www.sruc.ac.uk/media/qgeouwni/sruc-board-minutes-12-june-2025.pdf>

require more time, given the passage of time and items of sensitivity would likely no longer easily be recalled by attendees, whose advice would need to be sought.

The Applicant's submissions on section 12(1)

25. The Applicant advised that she was unhappy about the excessive cost provision. She stated that she did not receive advice requested in the process to bring the request under the limit and questions she had about how to do this went unanswered.

The Commissioner's view on section 12(1)

26. The Commissioner has considered the submissions made by the Applicant and the Authority carefully.
27. The Commissioner notes that the Authority acknowledged and conceded its error in calculating the cost of compliance and the fact that whether the total number of records held totalled sixty-seven, seventy-five or the evidenced seventy-three, in all three calculations the cost of compliance would exceed the £600 threshold by some margin.
28. The Commissioner also notes that the total number of records held was misquoted all the way through the submissions and it only became clear when the evidence was supplied that the figures were inaccurate. This type of inaccuracy harbours mistrust and begs the question of the nature of the exercise that was conducted to establish the projected costs.
29. In considering the submissions about the exercise, the Commissioner accepts that the evidence supplied shows the total number of meetings that would have been recorded in a set of minutes, not the total number of minutes held. The evidence presented suggests that the Authority have conducted their cost exercise in a hypothetical sense rather than using a physical sampling method. The Authority supplied a worked example of how it calculated costs in the form of minutes already published on its website. The Authority only advised about the time set aside for the preparation of those minutes for publication and that the minutes were not held centrally.
30. The Commissioner notes that no searches were undertaken in the exercise, nor did the Authority do a sampling exercise. The cost of compliance presented rests on estimations from other parts of the service provision. The Commissioner wonders then why the Authority could not advise the Applicant at the point of the initial request that her scope would induce the excessive cost provision, or indeed why an extension was required. The Commissioner considers this approach to be obstructive and perhaps indicative of a wider records management issue and potentially problematic FOISA processes.
31. The Commissioner is of the view that it is likely that the cost of compliance would exceed the limit, given the volume of data held in this case, but the Commissioner would still take the opportunity to note how the Authority appears to have been obstructive rather than helpful throughout and the contradictory nature of the extensive submissions provided.
32. In all the circumstances, therefore, the Commissioner upholds the Authority's claim that it would exceed the cost threshold in the Fees Regulations to comply with parts II, IV, VIII, IX, X, XII, XIII, XIV and XVI of the request, but he will go on to consider the advice and assistance provided to the Applicant.
33. The Commissioner finds, therefore, that the Authority was entitled to rely on section 12(1) of FOISA in this case and was not required to supply the information requested.

Section 15 (Duty to provide advice and assistance)

34. Section 15(1) of FOISA requires a Scottish public authority, so far as is reasonable to expect it to do so, to provide advice and assistance to a person who proposes to make, or has made, a request for information to it. Section 15(2) states that a Scottish public authority which, in relation to the provision of advice or assistance in any case, conforms with the code of practice issued under section 60 (the most up to date version issued on 25 March 2026 can be accessed via this link [the [Scottish Ministers' Code of Practice on the discharge of functions by Scottish public authorities under FOISA and the Environmental Information \(Scotland\) Regulations 2004](#)⁷]) is, as respects that case, to be taken to comply with the duty to provide reasonable advice and assistance.
35. The Section 60 Code that was in force at the time the request was handled, stated, at section 5.1 in Part 2 (under “Authorities should offer advice at all stages of a request”):
- “Authorities have a duty to provide advice and assistance at all stages of a request. It can be given either before a request is made, or to clarify what information an applicant wants after a request has been made, whilst the authority is handling the request, or after it has responded.” (Paragraph 5.1.1)
36. It further stated, in section 9.5 (of the revised section 60 code, formerly 9.4) (under “Where excessive costs apply”):
- “9.5.5 When refusing a request on cost grounds, it is good practice for the authority’s response to provide clear advice on how the requester could submit a new, narrower request within the cost limit. Indeed, such advice may be required in line with the duty to provide advice and assistance.
- 9.5.6 In giving advice you may wish to take account of how much the cost limit has been exceeded. Any narrowed request would be a separate new request and should be responded to accordingly. Advice on narrowing the request should, wherever possible, be specific, and should be focused on the information the requester is seeking, with reference to the information which is held by the authority. If, for example, the authority knows of particular files or business areas likely to hold a reasonable amount of relevant information, advice should guide the requester towards making a specific request for that information.”

The authority’s submissions about section 15(1)

37. The Authority asserted that it believed it had complied with its duties under section 15(1) of FOISA and the section 60 code. The Authority cited the relevant parts of its response to the Applicant, where it considered it had complied with its duties and demonstrated its knowledge of the requirements of the code of practice and section 15 duties. The Authority did, however, acknowledge that it could have done more to assist the Applicant.
38. The Authority narrated that it advised the Applicant multiple times of the likelihood of reaching the cost threshold of £600 and asked more than once for her to narrow the scope of her request. The Authority added that it suggested a possible narrowed scope to the Applicant (considering comments she made referencing a particular area of interest) and this was rejected.

⁷ <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2026/03/foi-eir-section-60-code-practice/documents/foi-eir-section-60-code-practice/foi-eir-section-60-code-practice/govscot%3Adocument/foi-eir-section-60-code-practice.pdf>

39. The Authority posit that its approach to assisting with the scope was to offer targeted advice rather than focusing on the number of hours.
40. The Authority framed the context of the handling of this request in terms of lack of resource in the governance team, in light of an increased workload. It cited this as the reason why there was an oversight in not replying directly to a comment from the Applicant asking for some specific advice. The Authority advised that this request was one of nine from the Applicant over a five-month period which it considered to be a substantial increase in workload, alongside a general increase. The Authority did note however, that it had since invested heavily to increase its capacity to handle FOI requests.

The Applicant's submissions about section 15(1)

41. The Applicant was clear that she was dissatisfied with the level of advice she received in relation to bringing the request within the cost threshold.

The Commissioner's view on section 15(1)

42. The Commissioner finds this case frustrating. The Authority submitted lack of resources and time as an explanation but also submitted thirty-six pages to defend its position. There is something contradictory in this approach, which is a repetitive theme in this case.
43. The Commissioner considers the facts of this case to be thus, the Applicant asked for specific governance documents, the Authority asked for an extension that under FOISA does not exist. The Applicant clearly rejected the suggestion to narrow the scope but did ask for assistance to come under the cost limit. The Authority did not respond to this and issued an initial response beyond the deadline, and a subsequent review citing section 12. The Authority was entitled to rely on section 12, but this should have been clear in its initial response and provided to the applicant within the statutory timescale for the initial response.
44. The Commissioner recognises that the uptake in rights of access across the country has significantly increased and this in turn impacts on the number and complexity of reviews and subsequent appeals. The Commissioner would always seek to support an Authority in advocating for additional resource, where it is required to ensure compliance with statutory obligations and foster better practices. He also notes the steps taken by the Authority since this request was received, to increase its capacity to respond to requests.
45. The Commissioner considers the nature of the information requested in this case to be central to governance of the Authority and would ask the Authority to consider, if it has not already done so, the proactive publication of this information, as a means to reduce the pressures on its governance team.
46. The Commissioner further recognises that the Authority attempted to assist in narrowing the scope, and that its suggestion for how to do this was rejected entirely by the Applicant.
47. The Commissioner would draw the Authority's attention to the guidance about providing advice and assistance, specifically the section referring to the continuation of this before, during and after a request has been answered. The communication with the Applicant shows that she attempted to understand how her request could be brought under the cost threshold, but this does not appear to have been answered.
48. While the Commissioner notes that the Authority did suggest a way to narrow the scope, picking up on comments made, in the Commissioner's view, the Authority made an assumption about what the Applicant was looking for and did not explain the way the information was held or clearly the volume of information held. The Authority could have

given the Applicant clearer, specific advice on how best to refine her request to bring it within the cost limit, rather than leaving the Applicant to “best guess” how this could be achieved. Authorities have a duty to advise applicants in this regard and cannot assume that an applicant will know how an authority holds its records, or at what point providing the information requested would invoke the section 12(1) excessive cost provision.

49. The Commissioner therefore finds that, in failing to provide adequate advice and assistance to the Applicant, the Authority failed to comply with the requirements of section 15(1) of FOISA.

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 information request made by the Applicant.

The Commissioner finds that the Authority was entitled to rely on section 12(1) of FOISA in responding to parts of this request.

However, he finds that the Authority did not comply with its duty to provide advice and assistance in responding to the request, as required by section 15(1) of FOISA.

The Commissioner therefore requires the Authority to provide clear advice and assistance to the Applicant, in line with section 15(1) of FOISA, to enable her to submit a refined request for information (should she wish to) which would not incur excessive costs to fulfil. The Commissioner requires the Authority to do this by **17 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.

Euan McCulloch
Head of Enforcement

2 June 2026