



Scottish Information
Commissioner
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Decision Notice 139/2026

Whether requests were vexatious

Authority: Glasgow City Council
Case Ref: 202502010

Summary

The Applicant asked the Authority various questions relating to secondary schools in Glasgow. The Authority declined to comply with the requests as it considered them to be vexatious. The Commissioner investigated and found that the requests were vexatious and so the Authority was not obliged to comply with them.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2) and (6) (General entitlement); 14(1) (Vexatious or repeated requests); 21(1), (8)(b) and (9) (Review by Scottish public authority); 47(1) and (2) (Application for decision by Commissioner).

Background

1. On 20 August 2025, the Applicant made a request for information to the Authority. He asked the following:
 - (i) What are the dates of parent's meeting at [named secondary school] in 2026?
 - (ii) How many parents were denied access to parent's meetings in Glasgow City schools in 2024/2025?
 - (iii) Children cook at [named secondary school]. What inner surface material have their cooking utensils? This is children's health concern.

- (iv) What foreign languages are taught at [named secondary school]?”
2. On 26 August 2025, the Applicant made a further request for information to the Authority. He asked the following:
- (v) How many parents in total had restricted communication with [the Authority] in 2024/2025?
3. The Authority responded to both requests on 9 September 2025. It advised the Applicant that it was refusing to comply with his requests as it considered them be vexatious in line with section 14(1) of FOISA.
4. On 16 September 2025, the Applicant wrote to the Authority requesting a review of its decision. He stated that he was dissatisfied with the decision because he did not consider that evidence had been provided that his requests were vexatious.
5. The Authority notified the Applicant of the outcome of its review on 6 October 2025, which informed the Applicant that it considered his requests and requirement for review to be vexatious.
6. On 4 November 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. He stated that he was dissatisfied with the outcome of the Authority’s review because he did not agree that his requests were vexatious.

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 24 February 2026, the Authority was notified in writing that the Applicant had made a valid application, and the case was 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 why it considered the requests to be vexatious.

Commissioner’s analysis and findings

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

Section 14(1) – Vexatious requests

11. Under section 14(1) of FOISA, a Scottish public authority is not obliged to comply with a request for information if the request is vexatious.
12. The Commissioner has published [guidance](https://www.foi.scot/sites/default/files/2023-07/BriefingSection14VexatiousorRepeatedRequests.pdf)¹ on the application of section 14(1) of FOISA. This states:

¹ <https://www.foi.scot/sites/default/files/2023-07/BriefingSection14VexatiousorRepeatedRequests.pdf>

There is no definition of "vexatious" in FOISA. The Scottish Parliament considered that the term "vexatious" was well-established in law and chose to give the Commissioner latitude to interpret the term in that context, so that the interpretation might evolve over time in light of experience and precedent.

13. In the Commissioner's view, there is no single formula or definitive set of criteria that allow a formulaic approach to be taken to determining whether a request is vexatious. Each request must be considered on the merits of the case, supported by evidence, clear evaluation and reasoning. Although this is not an exhaustive list, the following factors will be relevant to a finding that a request (which may be the latest in a series of requests or other related correspondence) is vexatious:
 - (i) it would impose a significant burden on the public authority
 - (ii) it does not have a serious purpose or value
 - (iii) it is designed to cause disruption or annoyance to the public authority
 - (iv) it has the effect of harassing the public authority
 - (v) it would otherwise, in the opinion of a reasonable person, be considered to be manifestly unreasonable or disproportionate.
14. While the Commissioner's view is that the term "vexatious" must be applied to the request and not the requester, he also acknowledges that the applicant's identity, and the history of their dealings with a public authority, may be relevant in considering whether a request is vexatious.

The Authority's submissions

15. The Authority explained that it wished to rely on the detailed submissions it had provided in relation to [Decision 203/2024](https://www.foi.scot/decision-notice-2032024)² of the Commissioner. In this case, the Commissioner found that the Authority was entitled to rely on section 14(1) of FOISA in respect of several previous requests made by the Applicant.
16. The Commissioner is unable to reproduce or summarise those submissions (or the submissions provided in response to this application) in full detail, within this decision notice, without breaching the obligation of confidentiality in section 45 of FOISA.
17. However, the Authority stated that it considered the Applicant's requests were vexatious for the following reasons:
 - the Applicant's history of dealings with the Authority, both by requests using information legislation and through other correspondence and interactions (relating to the education of his child and to other matters)
 - it did not believe that the requests had any serious purpose or value and were instead a means to cause annoyance and disruption
 - the requests had the effect of harassing the Authority and its staff.
18. Regarding the requests being considered in this decision notice, the Authority considered that the Applicant was seeking to continue his previous ill-founded campaign of harassment against the Authority and that there was no serious purpose or value to his requests.

² <https://www.foi.scot/decision-notice-2032024>

19. The Authority provided evidence of previous relevant communications from (and interactions with) the Applicant and background information for those communications and interactions.
20. The Authority noted that, since January 2024, the Applicant had submitted 28 requests for information, twelve requirements for review, six subject access requests and several applications to the Commissioner. This did not include requests that the Authority considered not to be valid information requests.

The Applicant's submissions

21. The Applicant disagreed that his requests, which he said asked for information concerning children's health, were vexatious and argued that the Authority had failed to provide evidence that they were.

The Commissioner's view

22. Taken in isolation, the Applicant's requests might not appear to be vexatious. However, the vexatious nature of a request may only emerge after considering it in the context created by previous correspondence and dealings the Applicant has had with an Authority.
23. The Commissioner is satisfied, having reviewed the submissions provided by the Authority, that it was reasonable for the Authority to consider previous correspondence and interactions with the Applicant when deciding whether the requests in question should be treated as vexatious.
24. Given the history and nature of the Applicant's correspondence (as set out in the Authority's submissions), the Commissioner is also satisfied that the Authority was entitled to conclude that the requests in question were vexatious.
25. The Commissioner acknowledges that complying with the Applicant's requests would appear unlikely to impose a significant burden on the Authority. The requests are focused and seek specific information, which would seem to be relatively straightforward to respond to. In fact, some of the requests seek information which would appear to be readily available online.
26. However, in the circumstances, the Commissioner considers the apparent relative straightforward character of the requests to be supportive of the Authority's position that it is the history and nature of the Applicant's correspondence and dealings with the Authority that make the requests in question vexatious rather than any practical difficulty in complying with them.
27. Section 45 of FOISA makes it a criminal offence for the Commissioner or a member of his staff to disclose without lawful authority information which he has obtained, or which has been furnished to him, under or for the purposes of FOISA if the information is not at the time of the disclosure, and has not previously been, available to the public from another source.
28. In the circumstances, the Commissioner does not consider it possible to set out in greater detail the reasons for his conclusions without potentially breaching section 45 of FOISA.
29. In this case, having considered all relevant submissions and the terms of the requests, the Commissioner is satisfied that the Authority was entitled to refuse to comply with the requests in question by virtue of section 14(1) of FOISA.
30. The Commissioner would like to make clear that his finding in this decision does not mean that any request from the Applicant to the Authority would necessarily be vexatious. In this case, the Commissioner is satisfied that the Authority was entitled to refuse to comply with

the requests in question by virtue of section 14(1) of FOISA, considering the submissions provided by the Authority.

31. However, the right to request information is an important legal right. It should not be abused, but the provisions within section 14(1) of FOISA must still be used carefully, which means authorities must always consider requests on their own merits and consider all the relevant circumstances, in order to reach a balanced conclusion as to whether a request is vexatious.

Decision

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

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.

Euan McCulloch
Head of Enforcement

29 May 2026