



Scottish Information
Commissioner
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Decision Notice 142/2026

Information relating to specified data incident

Authority: General Teaching Council for Scotland
Case Refs: 202500110 and 202500245

Summary

The Applicant asked the Authority for information relating to a specified data incident. The Authority declined to comply with the requests as it considered them vexatious. The Commissioner investigated and found that the requests were vexatious, and so the Authority was not obliged to respond.

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(8)(b) (Review by Scottish public authority); 47(1) and (2) (Application for decision by Commissioner).

Background

1. On 21 November 2024 and 23 December 2024, the Applicant made two separate requests to the Authority for information relating to a specified data incident. The relevant text of the requests is reproduced in Appendix 1 (subject to appropriate redactions).
2. The Authority responded on 20 December 2024 and 15 January 2025. It notified the Applicant that it was refusing to comply with his requests as it considered them to be vexatious, in line with section 14(1) of FOISA.

3. On 20 December 2024 and 15 January 2025, the Applicant wrote to the Authority requesting reviews of its decisions. He stated that he was dissatisfied with the decisions because he did not consider that his requests were vexatious.
4. The Authority responded separately to each requirement for review on 15 January 2025 and 11 February 2025. It upheld its original application of section 14(1) of FOISA to each request and confirmed, in terms of section 21(8)(b) of FOISA, that it was not obliged to carry out a review.
5. On 15 January 2025 and 11 February 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 reviews because he did not consider that his requests were vexatious.

Investigation

6. The Commissioner determined that the applications complied with section 47(2) of FOISA and that he had the power to carry out an investigation.
7. On 7 February 2025 and 25 February 2025, the Authority was notified in writing that the Applicant had made valid applications. The cases were subsequently 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 these applications and to answer specific questions about the reasons it considered the requests to be vexatious.
9. Given the clear nexus between the requests dated 21 November 2024 and 23 December 2024 and the similarities in the respective responses from the Authority, the Commissioner considers it appropriate to issue a single decision notice covering both applications.

Commissioner's analysis and findings

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

Background

11. It is a legal requirement for all teachers employed in Scottish schools to be registered with the Authority. To this end, the Authority maintains a public [Register of Teachers](https://mygtcs.gtcs.org.uk/home/search-the-register-public.aspx)¹ (the Register) and it is responsible for investigating concerns raised in relation to teachers and college lecturers on the Register.
12. Prior to the Applicant's requests of 21 November 2024 and 23 December 2024, the Authority had responded to several requests for information (and a complaint) from the Applicant in relation to two registrants' names having been temporarily unsearchable on its Register in September 2024. It explained to the Applicant that this was due to an administrative error, which it had recorded as a data incident, and it disclosed various information in relation to

¹ <https://mygtcs.gtcs.org.uk/home/search-the-register-public.aspx>

that error and related matters to the Applicant in response to his previous requests for information.

Section 14(1) – Vexatious requests

13. 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.
14. The Commissioner has published [guidance](#)² on the application of section 14(1) of FOISA. This states:

“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.”
15. In the Commissioner's view, there is no single formula or definitive set of criteria that allow a formulaic approach 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.
16. 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 Applicant's submissions

17. The Applicant submitted that neither he, nor his requests, were vexatious. He stated that the “crux” of his concerns was that teachers were able to “backdate school records”, which was “clearly unlawful and open to the abuse” he had raised with the Authority previously.
18. The Applicant explained that he had serious concerns regarding a registered teacher, whose name had not been locatable via searches of the Authority’s Register at a time the Applicant had intended to bring a Fitness to Teach referral against that individual – a matter about which he had made the Authority aware. He explained that this had led to his earliest request for information on the subject in September 2024.
19. The Applicant stated that the explanations and information provided by the Authority in relation to the “administrative error” which had caused this had been inaccurate, and kept

² <https://www.foi.scot/sites/default/files/2023-07/BriefingSection14VexatiousorRepeatedRequests.pdf>

changing, and that this had prompted his further requests for information and correspondence with the Authority.

20. The Applicant submitted that it was in the public interest that the Register was accurate at all times and, on that basis, his requests examining the Authority's explanation of the data incident were justified. He considered that the Authority might have provided "inaccurate" information to avoid disclosing "governance" and "operational" failings, as this would have been "embarrassing".
21. Further to this, the Applicant argued in his application to the Commissioner that it was also plausible that the Authority could be "deliberately tampering" with the Register to protect senior registered teachers from being investigated. He said that he had submitted his requests to obtain evidence which would verify the Authority's explanations. (During the investigation, the Applicant commented that he had stated in his emails to the Authority that he did not believe that the name of a specified individual temporarily not appearing on the Register was a deliberate act by the Authority to protect that individual.)
22. The Applicant considered that, had the Authority responded accurately to his earliest (or earlier) requests on the subject, he would not have been required to submit further requests, including those which are the subject of this decision.
23. In all of the circumstances, the Applicant considered that his requests had a serious purpose and value and were underpinned by genuine and serious concerns.

The Authority's submissions

24. The Authority referred to submissions it had provided to the Commissioner in response to previous applications from the Applicant and stated that it wished these to form part of its response to his current applications. It considered that each of the factors set out at paragraph 15 applied to the requests under consideration in this decision notice.

Serious purpose or value

25. The Authority recognised that it had duty to maintain an accurate Register and that a temporary misspelling had resulted in the names of two individuals being displayed incorrectly on the Register for a short period. It explained that the misspelling had resulted from human and technical errors connected to the issuing of a bulk communication.
26. At the time of responding to the Applicant's request of 21 November 2024 on 20 December 2024, the Authority noted that it had received seven information requests and six requirements for review from the Applicant on the matter of "an administrative error that caused a registrant's name to be misspelt on the register". It stated that this had risen to nine requests and eight requirements for review at the time of its 15 January 2025 response to the Applicant's request of 23 December 2024.
27. The Authority submitted that explanations of, and information relating to, those errors had been provided to the Applicant via responses to his individual requests for information, but also via formal Stage 2 and Stage 3 complaint responses (which it provided to the Commissioner).
28. While it had provided detailed responses to each of the Applicant's previous requests for information, it said that its Stage 3 Complaint response of 23 December 2024 was intended to provide a wholesale response covering the entirety of this issue, so as to "provide clarity and certainty around the incident". It did not consider there to be inconsistencies in the information provided to the Applicant.

29. The Authority explained that it had apologised to the individuals affected by the data incident, that both individuals had remained on the Register throughout (and registered with the Authority) and that their personal data was at no stage permanently altered or destroyed. It confirmed that at no time had there been a wide-scale threat to the integrity of the Register.
30. The Authority noted that it had also written to the Applicant in September 2024 to confirm that, even if an individual were removed from the Register (which was not the case here), they could be reinstated to the Register for a period of up to two years to allow a Fitness to Teach referral to be made. It therefore considered the Applicant's suggestion of "collusion" to prevent a Fitness to Teach referral being made against a specified individual to be spurious.
31. The Authority noted that it had published various information about the incident on its FOI Disclosure Log, but that no other requester had (at the time of its submissions) asked for information about the incident, which indicated a lack of public interest in this matter. In all, it considered that it had "provided more explanation on how this incident came about with the requester than with either of the data subjects affected by the temporary incident".
32. In all of the circumstances, the Authority argued that the volume of requests submitted by the Applicant on the subject were not in service of any serious purpose or value but based on a longstanding personal grievance with one of the data subjects affected by the incident. Given the lack of wider public interest, the contained nature of the data incident (which had not reoccurred) and the absence of wider risk to the Register, the Authority argued that the requests lacked serious purpose or value to the extent that they were vexatious.

Manifestly unreasonable and disproportionate

33. Given the information disclosed in response to his previous correspondence, the Authority submitted that the information requested by the Applicant here was simply a continuation of a pattern of requesting information about the data incident. It considered the Applicant's persistence in submitting requests for information to be based on his distrust of the Authority and his insistence of collusion against him by the Authority.
34. In all of the circumstances, the Authority considered further engagement on this topic to be manifestly unreasonable and disproportionate.

Significant burden

35. The Authority considered that it had provided the Applicant with more information than had been "strictly necessary" under FOISA in order to assist him in his understanding. For example, it noted that it had sought and received the consent of one of the affected data subjects so as to be able to disclose as much information as possible to the Applicant.
36. However, the Authority stated that the Applicant's continuing engagement on this topic had reached a "tipping point" and it had therefore considered the resources being spent responding to the Applicant. It also referred to the significant collective burden of engaging with the Applicant over a five-year period on a range of topics.

Harassing the public authority

37. The Authority acknowledged that FOISA was an important tool in providing access to information in the interests of accountability and transparency. However, it considered that the Applicant's allegation of collusion and his related correspondence – which included accusing staff of telling untruths and covering up and inappropriately withholding information – harassed its staff in the performance of their duties.

38. In support of this point, the Authority referred to submissions it had provided to the Commissioner in response to previous applications from the Applicant and to specific correspondence from the Applicant, which it considered to be illustrative of his negative tone towards Authority staff, typified through his use of FOISA. It also argued that the Applicant's repeated requests had escalated in tone and insistence, which had the effect of harassing its staff.
39. In all of the circumstances, the Authority argued that the Applicant's requests had the effect of harassing its staff. It considered that any reasonable person would review his correspondence, its frequency, tone and content, and note the effect that this would have on individuals carrying out their roles.

Designed to cause disruption or annoyance

40. The Authority accepted that the Applicant had an interest in the information requested and reiterated that it had already disclosed information and provided explanations to him in response to his previous information requests and complaint on the matter. However, it considered that the Applicant's continued requests went beyond the extraction of information and were instead an attempt to continue a campaign to vocalise his distrust in the organisation and to destabilise the Authority.
41. The Authority argued that the Applicant had pursued these aims through the continued interrogation of, and speculation about, the transparency of information and explanation provided in relation to an error that had occurred, which had the effect of involving its information governance resource in continuous cycles of request, review and appeal.
42. The Authority submitted that the Applicant did not see the release of information in response to a request as a conclusion, but instead as a means by which to seek further explanation, further records or to continue expressing accusations against the Authority.

The Commissioner's view

43. The Commissioner has taken account of all of the relevant submissions provided by both the Applicant and the Authority.
44. 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 the context created by previous or ongoing correspondence.
45. The Commissioner is satisfied, having reviewed the submissions provided by the Authority, that it was reasonable for the Authority to consider previous correspondence with the Applicant on the topic of the data incident when determining whether his requests in this case should be treated as vexatious.
46. The Commissioner recognises that there is a public interest in the Authority's Register being accurate, given the Authority's statutory functions and the purposes for which that Register is used by the public and employers. He also accepts that there is a public interest in understanding how the error with the Register occurred and how it was remedied, to the extent that this relates to the Authority's proper discharge of its information governance responsibilities.
47. When determining whether a public authority complied with FOISA in responding to an information request, the Commissioner must make his assessment in relation to the specific circumstances of the case on each occasion and, as recognised by the Court of Session

in [Scottish Ministers v Scottish Information Commissioner \[2006\] CSIH 8](#)³ (at paragraph [31]), at the time of the review (at the latest).

48. In this case, the Commissioner considers that, by the time of its refusals to comply with the Applicant's requirements for review on 15 January 2025 and 11 February 2025, the Authority had provided a clear, comprehensive and detailed explanation of how the error with the Register occurred. In particular, the Commissioner notes the explanations given, and the information provided, in the Authority's responses of 21 November 2024 and 28 November 2024 to previous information requests from the Applicant and Authority's Stage 2 and Stage 3 responses of 23 October 2024 and 23 December 2024 to a complaint of his.
49. The Commissioner acknowledges the Applicant's wider substantive concerns regarding child protection in the context of the Authority's Fitness to Teach process. In general terms, requests relating to such concerns would appear to have a serious purpose and value. The Commissioner recognises that the Applicant's requests in this case are not entirely removed from his substantive concerns. However, in light of the number of requests made by the Applicant on this topic previously and the information already disclosed to him and the explanations already given, he considers the serious purpose and value of the requests in this case to be materially reduced.
50. In particular, the Commissioner considers that the information disclosed by the Authority by the time of its refusal to comply with the Applicant's requirements for review had satisfied the reasonable public interest in understanding how the data incident occurred and how it was remedied. In the circumstances, he does not consider that disclosure of any additional information in response to the requests in this case would shed any further light or provide additional clarity on the matter.
51. However, the Commissioner recognises that the Applicant's concerns go beyond matters of statutory duty and governance. They extend to the possibility of "collusion" on the part of the Authority to prevent a referral being brought against registered teachers and wider concerns about the Authority in respect of historical matters connected to the backdating of student records.
52. The Commissioner notes that the Authority had, prior to the Applicant's request of 21 November 2024, made clear to him that the removal of an individual from its Register (which had not happened in this case) was no impediment to the bringing of a Fitness to Teach referral for a period of up to two years thereafter. In light of this, the Commissioner cannot see how disclosure of the information requested would provide any further value to the Applicant in this regard.
53. The Commissioner also does not consider it plausible that the Authority would seek to remove an individual from, or otherwise interfere with, its Register in an attempt to thwart a complaint against a registrant. However, he notes that the Applicant appears to have withdrawn this particular suggestion during the investigation.
54. In all of the circumstances, the Commissioner agrees with the Authority that, in this case, the Applicant's requests lacked purpose and value to the extent that it was entitled to consider them to be vexatious.

³ <https://webarchive.nrscotland.gov.uk/20240713015729/https://scotcourts.gov.uk/search-judgments/judgment?id=a94886a6-8980-69d2-b500-ff0000d74aa7>

55. As the Commissioner is satisfied that the Applicant's requests were vexatious based on this factor alone, he will not go on to consider the other factors cited by the Authority in support of its position.
56. Having carefully considered all relevant submissions, the Commissioner is therefore satisfied that the Authority was entitled to refuse to comply with the Applicant's requests, in line with section 14(1) of FOISA (and to refuse to comply with his requirements for review by virtue of section 21(8)(b)).
57. 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. 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 requests 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.

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

29 May 2026

Appendix 1: Information requests

Request of 21 November 2024

“ ... I would like a copy of the report mentioned in the 23 September and 15 November emails. ...”

Request of 23 December 2024

“ ... This is a new FOI request following [redacted] stage 3 complaint response to me which still does not make sense and I know is inaccurate at points as I have screen shots to prove this. That said I am looking to tie some loose ends off and require a copy of the following information -

- I have been provided with 2 screenshots of the stakeholder list. The first had [redacted] surname spelt twice correctly and once wrongly as [redacted]. The second screenshot had his name spelt twice correctly as [redacted]. [Redacted] confirms that his name was spelt wrong 3 times in the stakeholder list. Please provide a screenshot of his name being misspelt wrongly the other 2 times. One of them is [redacted] and I don't know what the other wrong spelling was.
- Please provide a copy of the email confirming the upload failure message when the stakeholder list was being imported as mentioned in [redacted] letter after the register was overwritten ...”