



Scottish Information
Commissioner
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Decision Notice 175/2026

Bus lane statistics

Authority: Aberdeen City Council
Case Ref: 202500976

Summary

The Applicant asked the Authority for bus lane statistics. The Authority provided the Applicant with some information and informed him it did not hold other information requested. The Commissioner investigated and was satisfied that the Authority did not hold some of the information, but that it had wrongly advised the Applicant it did not hold other information.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2) and (6) (General entitlement); 17(1) (Notice that information is not held); 25(1) (Information otherwise accessible); 47(1) and (2) (Application for decision by Commissioner)

Background

1. On 28 April 2025, the Applicant made a request for information to the Authority. He asked for, in a chart with five columns:
 - (i) Locations - Please list your bus lane/gate locations, which were enforced in 2024.
 - (ii) Categories - Please state whether each location is intended/signed as a Bus Lane, Bus Gate, Bus Only Road, or some other category (please specify).
 - (iii) Dates - For any locations which were new in 2024, please give the date that enforcement commenced. For older locations, please state the year that enforcement commenced.

(iv) PCNs [Penalty Charge Notices] - Please state the number of PCNs issued at each location, during 2024.

(v) Income - Please state the income from penalty charges, at each location, during 2024.

He also included the following notes:

He asked the Authority to treat two-way bus gates as two locations, and indicate which was which, e.g. southbound and northbound, or westbound and eastbound, etc.

He clarified that he was seeking the total figures for 2024, and that he was specifically requesting statistics for the calendar year of 2024 (not financial year).

2. The Authority responded on 20 May 2025. It withheld all of the information under section 25(1) of FOISA, on the grounds that it was available online, and it provided a weblink to its bus gate enforcement statistics.
3. Later that same day, the Applicant wrote to the Authority requesting a review of its decision. The Applicant stated that he was dissatisfied with the decision because the webpage he had been directed to did not contain the information sought by requests (ii), (iii) and (v).
4. Furthermore, the Applicant noted that in request (iv) he had requested annual data for 2024 but that the website link contained monthly data, which was not what he had asked for. He stated that it was possible for him to add up the monthly totals to achieve what he requested but he believed the totals could easily have been provided in the response.
5. For request (v) the Applicant argued that the Authority had directed him to income by financial year, and not calendar year as requested, and that the information he had requested was not available at the link the Authority had provided him with. The Applicant commented that figures for the calendar year 2024 had been provided by other authorities, and that it must therefore be available to this Authority.
6. The Applicant stated that his request regarding two-way bus lanes (under the “notes” part of his request) had not been addressed and that the information was not contained at the link provided.
7. The Authority notified the Applicant of the outcome of its review on 18 June 2025. It did not uphold the original decision in respect of requests (ii), (iii), (iv), and (v), because it accepted that the information requested was not otherwise accessible at the link provided and it apologised to the Applicant for this.
8. The Authority disclosed information to the Applicant in respect of request (ii) and gave him notice, in terms of section 17(1) of FOISA, that it did not hold information in respect of requests (iii), (iv) and (v), or in relation to two-way bus gates.
9. With reference to request (iv), the Authority stated that information in the online table (to which it had previously referred the Applicant) was designed within a specialist reporting tool and that significant time and effort was used to create a specific bespoke report to publish that data. It argued that a further bespoke report would need to be built to provide the information by calendar year and that under FOISA, it was not required to create new information if this was not already held in the format requested.
10. In further comments on request (iv), the Authority provided the Applicant with a spreadsheet based on a manual count of the monthly data published online which it stated provided “rough annual figures”. It commented that the exact figures requested were not recorded.

11. In relation to request (v), the Authority advised the Applicant that a site-by-site breakdown of income would need to form part of the report-building it had referenced in its review outcome in respect of request (iv) and it informed the Applicant that it did not hold information on the income from penalty charges at each location during 2024.
12. In its comments on two-way bus gates, the Authority stated that in most cases there was just one camera system set up to capture data, regardless the direction of travel. In some sites where the road was physically split, it advised the Applicant that two cameras had been used which should allow it to give travel direction-specific statistics based on the individual camera data and it asked the Applicant to advise whether this data was of interest.
13. On 21 June 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. The Applicant stated he was dissatisfied with the outcome of the Authority's review because he did not agree that the Authority did not hold the information in respect of requests (iii), (iv), and (v).

Investigation

14. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.
15. On 23 July 2025, the Authority was notified in writing that the Applicant had made a valid application and the case was allocated to an investigating officer.
16. 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 reasons why it believed it did not hold the information.

Commissioner's analysis and findings

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

The Authority's change of position during the investigation

18. During the investigation, on 10 October 2025, the Authority updated its position and notified the Applicant.
19. The Authority advised the Applicant that it had become clear that it had not processed the Applicant's information request in accordance with its procedures. The Authority stated that it would take action to ensure future requests were handled in accordance with its statutory functions.
20. The Authority commented that as a result of concluding that it had not processed the request in line with procedures, it had asked relevant officers to start again with the request and it provided an updated position to the Applicant in terms of the response to his request.

Request (iii)

21. In this updated position, the Authority disclosed some information about dates in relation to request (iii). The Applicant subsequently confirmed he was satisfied with this disclosure and with the Authority's response to request (iii).
22. Given that the Authority disclosed information during the investigation which it had previously notified the Applicant that it did not hold in respect of request (iii), the Commissioner must find that it was not entitled to apply section 17(1) to this information. For this reason, the Commissioner finds that the Authority failed to comply with section 1(1) of FOISA.

Request (iv)

23. In its updated position, in relation to request (iv), the Authority stated that the information was available on its website and it provided a link to this information. The Authority also stated that the information from the online table was designed with a specialist reporting tool and argued that a further bespoke report would be needed to answer request (iv) by calendar year and it gave the Applicant notice under section 17(1) of FOISA that the information was not held.
24. The Authority commented that under its duty to provide advice and assistance, it had carried out a manual count of the monthly data published online which should give rough annual figures and it added that the exact figures were not recorded, as it had explained. It provided the Applicant with the same spreadsheet previously provided at review stage.
25. The link provided in relation to request (iv) went to information about the number of PCNs issued by location during 2024 (these were split into two lots, dealing with the two financial years of 2023/24 and 2024/25, which both related in part to the calendar year 2024).

Request (v)

26. For request (v) (the income from penalty charges, at each location, during 2024) the Authority advised the Applicant that it was unable to provide him with the income broken down by location for calendar year 2024 as it did not hold the information in that way. This was due to the way that its finance service maintained its records in accordance with statutory requirements, internal policies and operational needs.
27. The Authority gave the Applicant notice under section 17(1) of FOISA that it did not hold this information. Under its duty to provide advice and assistance, it referred the Applicant to a link which provided the total income generated at each bus lane and bus gate location during each financial year.
28. The Authority also stated that its Finance Team was able to provide a monthly breakdown of income generated from all penalty charges for the specified year and asked the Applicant to confirm if he wanted to receive this information.
29. In its updated position provided to the Applicant, the Authority re-stated its explanation for applying section 17(1) of FOISA to the part of the request relating to two-way bus gates. It advised that, in most cases, it could not provide an answer to this part of his request because often there was just one camera system set up, regardless of the direction of travel. The Authority stated that at some sites, such as Guild Street, the road was physically split and two cameras had been used which should allow it to provide travel direction-specific statistics based on the individual cameras' data. However, the Authority explained that, as could be seen from the publicly available information, these cameras were recorded as one site, not two.

30. The Commissioner asked the Applicant for his comments on the Authority's explanation of the two-way bus gates. The Applicant stated that this was perhaps the least important part of his complaint and that if the Commissioner considered the Authority's explanation to be reasonable, then he would not press the issue.
31. In its submissions, the Authority explained that it did not hold information in relation to sites where the road was not physically split and where two cameras had not been used. It noted that bus gate sites were not recorded as two locations, as reflected in the information on its website. However, the Authority stated that it would be happy to look into this in more detail if the Applicant wanted it to. The Authority suggested that it may be the case that it could undertake further analysis of the areas that were physically split and where two cameras had been used, but it commented that this would probably be outwith the FOI process, as the information would likely have to be created to advise and assist the Applicant.
32. The Commissioner has carefully considered the Authority's explanation and in his view it is reasonable in terms of setting out the limitations in relation to some information being captured which did not take account of the direction of travel, and other information being recorded under the heading of one location. The Commissioner notes the Applicant's comments that if the Commissioner is satisfied with the Authority's position on this issue, he will not press the matter further. As the Commissioner finds the Authority's position to be reasonable, and as the Applicant has stated that he is content to rely on the Commissioner's view, he will not consider this matter further in this decision notice.

Scope of the investigation

33. Given the Authority's updated position and the Applicant's comments on its change of position, this Decision will only consider the Authority's response to requests (iv) (PCN data) and (v) (income data).

Section 25(1) – Information otherwise accessible

34. Information which an applicant can reasonably obtain other than by requesting it under section 1(1) of FOISA is exempt from disclosure. This exemption is not subject to the public interest test in section 2(1)(b) of FOISA. Section 25(1) is not intended to prevent or inhibit access to information, but to relieve public authorities of the burden of providing information that an applicant can access readily without asking for it.
35. As noted above, during the investigation the Authority applied section 25(1) of FOISA to request (iv) and informed the Applicant that the information he had requested was available on its website.

The Applicant's comments on section 25(1)

36. The Applicant commented that although he had requested data for the calendar year of 2024, the Authority had directed him to information relating to two financial years. He acknowledged that those charts did include monthly figures, so that it was possible to add up the months to achieve totals for 2024, which the Authority had done in the chart it had provided to him.
37. However, he commented that "for some reason" the Authority had stated that the figures were rough and that the exact figures were not recorded.
38. The Applicant submitted that the Authority had then referred to how the information from the online table was designed with a specialist reporting tool and that significant time and effort was used to create a specific bespoke report to answer request (iv) by calendar year.

39. The Applicant stated that he had sent the FOI request to over 130 local authorities and all were able to provide data by calendar year without claiming that this involved any kind of arduous process and he believed the difficulty was being overstated (by the Authority in this case).

The Authority's comments on section 25(1) of FOISA

40. The Authority in its submissions to the Commissioner acknowledged that it had applied section 25(1) of FOISA to request (iv) in its initial response, before applying section 17(1) at review outcome, and then updating its position to section 25(1) during the investigation.
41. The Authority submitted that the requested information was publicly available via the link provided in the response. It commented that this published information did not include the total number of PCNs (it provided monthly figures) and was presented by financial year, rather than calendar year. It believed the information online addressed the Applicant's request (as he could add up the monthly figures to obtain the annual total) and also addressed the wider public interest in relation to bus lane contraventions.
42. The Authority also stated that it was standard practice for financial information, such as charges or incomes, to be presented by financial year, not calendar year.
43. The Authority confirmed, in response to a further request for clarification from the Commissioner, that it did not use the term "rough" to indicate that the figures it had provided in the spreadsheet to the Applicant were inaccurate, or inexact, but to reflect that the figures had been manually added up by the FOI team after receiving the monthly totals from the service.

The Commissioner's view on section 25(1)

44. The Commissioner has considered all the submissions on the Authority's application of section 25(1) of FOISA to request (iv). He considers that the information requested by the Applicant was available at the link (even though totals by calendar year were not on the website). Furthermore, the Commissioner notes that the Applicant has acknowledged that the monthly totals (provided online) could be added up to provide location totals for the calendar year, and that the Authority provided him with a spreadsheet that contained an annual total (from these monthly figures).
45. The Commissioner therefore considers that the Authority was correct to (during the investigation) apply section 25(1) (Information otherwise accessible) of FOISA to request (iv).
46. As the Commissioner has determined that the information in request (iv) was held (as it was available via the Authority's website), he must find that the Authority was not entitled, in its review outcome, to give the Applicant notice under section 17(1) of FOISA, that the information was not held. By wrongly notifying the Applicant that the information was not held, he finds that the Authority breached the provisions of section 1(1) of FOISA.

The Commissioner's view on the Authority's handling of request (iv)

47. The Commissioner considers that the Authority's submissions in this case, including its updated position to the Applicant, were confusing in several respects.
48. In the Commissioner's view, the Authority's reference to the figures as "rough" gave the impression that it considered the data to be inexact (leading the Applicant to question its use of the term). While the Commissioner accepts the Authority's explanation that this referred to the fact that the data it had been provided with by the service did not include totals, and that

the FOI team had manually added up the data to provide it in the form the Applicant had requested, the Commissioner considers that use of the term “rough” caused unnecessary confusion. There seems no doubt that, to most people, the use of the term would call the accuracy of the information into question, which would appear to have been completely unnecessary in circumstances where all the staff in question were doing with it was a piece of basic arithmetic requiring no specialist skill. In his view, this would have been avoided if the Authority had simply explained that it had added up the totals and advised that it considered these to be accurate and to provide what the Applicant had requested.

49. The Commissioner also considers the Authority’s position to have been unclear within its updated position to the Applicant on 10 October 2025, because it also referred to section 17(1) (Information not held) of FOISA (and commented on the need to create a bespoke report to provide totals) even when it had stated that it considered the information to be available on its website. The Authority stated that it had cited section 17(1) at review stage specifically to explain to the Applicant that the requested total by annual year was not held. The Authority later confirmed its position that it considered section 25(1) of FOISA applied.
50. The Commissioner considers that the reference to both section 25(1) and section 17(1) of FOISA in the updated position to the Applicant was confusing, as the two are mutually exclusive. If, as it appears, the Authority wanted to make the point that the totals by location were not held, it should simply have explained that (and that it had added up monthly figures to provide totals) without reference to section 17(1).
51. The Authority also commented in its submissions that it had noted at the review stage that the request was not entirely clear and it stated that the Applicant had not asked for the total number of PCNs at the request stage but had only raised this at the review stage. The Authority noted that it had nevertheless sought to assist the Applicant as far as possible in its review outcome.
52. The Commissioner does not agree with the Authority’s position that the Applicant was not clear in his original request that he was seeking totals. He considers that the Applicant specified the year 2024, and in his view a common sense interpretation of “2024” was that the Applicant was seeking totals for that year. In addition, in his notes to the request, the Applicant specified “the total figures for 2024” and “the calendar year of 2024”. The Commissioner does not consider that the original request was unclear.
53. The Commissioner also notes that, while the Authority stated in submissions that it had noted at the time of the review outcome that the original request was unclear, it does not appear to have stated this within the review outcome. The Commissioner would stress that, (notwithstanding his view that the meaning of this request was clear) if an authority is unclear about the meaning or scope of a request for information, it should ask the requester to clarify this as specified in paragraph 5.3.3. of [the Scottish Ministers’ Code of Practice on the Discharge of Functions by Scottish Public Authorities under the Freedom of Information \(Scotland\) Act 2002 and the Environmental Information \(Scotland\) Regulations 2004 \(“the Section 60 Code”\) \(December 2016\)](#)¹ which was in place at the time of the request, and [the current version of the Section 60 Code, which was updated in March 2026](#)².

¹ <https://webarchive.nrscotland.gov.uk/public/20180606062315/https://beta.gov.scot/publications/foi-eir-section-60-code-of-practice/>

² <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>

Section 17(1) of FOISA – Notice that information is not held

54. The Authority applied section 17(1) of FOISA to request (v).
55. Section 1(1) of FOISA provides that a person who requests information from a Scottish public authority which holds it is entitled to be given that information by the public authority, subject to qualifications which, by virtue of section 1(6) of FOISA, allow Scottish public authorities to withhold information or charge a fee for it. The qualifications contained in section 1(6) of FOISA are not applicable in this case.
56. The information to be given is that held by the Authority at the time the request is received, as defined by section 1(4) of FOISA. This is not necessarily to be equated with information that an applicant believes the public authority should hold.
If no such information is held by the public authority, section 17(1) of FOISA requires the authority to give the applicant notice in writing to that effect.
57. [The Commissioner's briefing on Section 17\(1\) of FOISA](#)³ states that public authorities are not required to create information in order to answer a request. It explains:
"There's a distinction between creating new information, and compiling information. Where a request can be answered by compiling information from readily-available resources held by the public authority, this is not the same as creating new information. However, if collation of the information would require skill and complex judgement, the information is not held."
58. 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.
59. The Commissioner 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) held by the public authority.

The Applicant's comments

60. The Applicant did not accept that the Authority could not provide accurate income data, for a calendar year instead of a financial year, because he stated numerous other authorities had done so without any difficulty.
61. In respect of request (v) (the income from penalty charges at each location during 2024) the Applicant commented that some other local authorities claimed to be unable to provide the income at individual bus lanes/gates. In those cases, the Applicant stated, the authorities' position was that the income was not recorded for individual locations because it was paid into a central account. However, he argued that the Authority in this appeal was not making that claim.
62. The Applicant stated that the fact that income for each location was published by financial year confirmed that the income for each location was recorded information. He argued that the Authority was claiming to be unable to run a report for the calendar year, even though it had clearly been able to run reports for the financial year and he stated that the Authority had

³ <https://www.foi.scot/sites/default/files/2022-03/BriefingSection17Informationnotheld.pdf>

not explained how the way its finance service maintained its records meant the Authority was unable to provide the information in the manner he had requested.

63. The Applicant argued that the Authority clearly held the information but just had not previously exported it for the requested date range (and he stated that this did not mean it was unable to do this). He submitted that the Authority had confirmed that it was able to run a PCN report for a calendar year, but that this would entail some work, and he argued that the same was surely true for the income figures.
64. Furthermore, the Applicant argued that just because a particular procedure entailed a bit of work did not mean the Authority was unable to do it.

The Authority's comments - searches

65. The Authority provided the Commissioner with general submissions on the searches carried out.
66. On receipt of the request, the Access to Information Team determined that the published information available on the website would sufficiently address the Applicant's request and the Applicant was therefore directed to this, rather than assigning the request to the relevant service to conduct specific checks. At review stage, the Applicant's request and further questions were passed to the Service Manager for the relevant area, and their comments were then used as the basis for the review outcome.
67. The Authority stated that the Service Manager had since advised that he did not realise that the questions related to a formal FOI review and, as such, his responses were based on personal knowledge and not based on recorded information or any searches undertaken. The Authority acknowledged that this was not made clear in the review outcome and submitted that the Access to Information Team provided the response to the Applicant believing it was complete.
68. It recognised that the request was not handled correctly at either stage and it advised that following receipt of the appeal to the Commissioner, the Access to Information team undertook a "Lesson Learned" meeting to identify failings across the handling of the request.
69. The Authority stated that as a result, it was introducing measures to mitigate any risk of future errors, which were:
 - (i) All responses where published information was being referred to would be checked and approved by a senior officer within the relevant service before release to ensure that the available information fully answered the request; and
 - (ii) Email templates would be created and used to clearly indicate what stage of the FOI process the request was at and to clearly indicate the expected action of the recipient. This was to ensure that there was no misunderstanding of what action was expected of the relevant service and to ensure that request, reviews, and appeals were handled appropriately and consistently.
70. The Authority explained that at appeal stage the relevant service was asked to properly process the request and further information was issued to the Applicant as a result.
71. The Authority accepted that it would be expected to hold general information in relation to the bus gate/lanes that it enforced.

72. In respect of request (v), the Authority stated that it held and published the income per location and per financial year on its website but that it did not hold the information by calendar year due to the way its finance department recorded the information. The Authority explained that it could provide the information by location and financial year or it could provide total income for PCNs per calendar year, but that this latter option would include more than just bus gate/lane fines and it would not be broken down by location.
73. The Authority stated that its city warden service, which provided the published data, could only provide the information by financial year due to the system used to record information and generate the report.

It stated that to provide the information in calendar year would require the creation of a new bespoke report to extract and publish the data in that format and that it would consider this to be creation of data for the purposes of answering an information request.

74. In response to further questions from the Commissioner about what information was recorded and how, the Authority submitted that the totals for PCN payments were recorded by the month, rather than by location. It explained that information published online represented payments received for enforcement notices issued within a specific calendar month. For instance, if an enforcement notice was issued in February 2025 and the associated £100 payment was made in April 2025, the February total increased by £100 and the April total remained unchanged.
75. The Authority stated that all income from enforcement notices was processed through a designated fund code into a single cost centre or budget line and payments were not coded or categorised in any way to demonstrate income by location, and that therefore only the total income could be extracted for each period.
76. The Authority provided screenshots to illustrate how information about individual PCNs was recorded and it stated that for transaction reports, the screenshot showed that location was neither a measure nor a record field for payments.
77. It also provided a system export screenshot displaying a number of cases which, it explained, did not show the date payment was received and only showed the current balance at the time the report was generated.
78. The Authority later stated that a bespoke report was in place which had been designed specifically to support updates to its website. It stated that this was intended for general publication purposes and was not designed to provide detailed operational data or to be used for individual FOI requests.
79. The Authority submitted that any bespoke report for the system could only be created by the system suppliers and could not be produced in-house and that running these reports required specialist training and skills which it did not hold in-house. It explained that the service had to commission the system supplier to create reports that officers could then re-run as required. It submitted that it was unable to provide the cost of these commissioned reports, as this varied on a case-by-case basis, and that sometimes the supplier may also need to commission a third party as it did not always have the necessary skillset.
80. In addition, the Authority argued that any report created specifically to address this request would only provide a snapshot of the information at a single point in time. Enforcement notices could be paid daily, including at a time several months after they were issued, and the figures changed frequently. As a result, the Authority submitted that any report would be

accurate only at the moment it was generated and the information could become outdated very quickly. For that reason, the Authority had chosen to report the information cumulatively rather than monthly.

81. The Authority also stated that the purpose of FOI legislation was to make recorded information available to applicants based on what was held at the time their request was received and that the legislation did not require public bodies to create new information, carry out additional analysis, or produce bespoke reports in order to respond.
82. It argued that its role was to identify and provide the information that already existed within its records, or to explain when it was unable to do so.
It stated that while it was committed to offering reasonable advice and assistance, that did not extend to creating new information or developing new reports solely for the purpose of answering an FOI request.

The Commissioner's view on section 17(1)

83. In respect of request (v), the Commissioner has carefully considered the submissions from the Applicant and the Authority. While he notes the Applicant's argument that other authorities have been able to provide the requested information, the Commissioner would stress that he must reach a view based on the circumstances of each appeal on a case-by-case basis.
84. Furthermore, the Commissioner acknowledges that authorities do not have identical processes/systems for undertaking common tasks. Just because a majority of authorities hold information in a way that enables them to comply with a request easily, does not mean that all authorities will record or hold information in the same way. This can be frustrating for the requester, but the data processing systems used by authorities vary, even when they carry out the same functions.
85. In this case, the Commissioner considers that the Authority has provided a detailed explanation of why it does not hold the information by calendar year and of the steps which would be required to provide it (including requesting a new bespoke report from a third party). He has reviewed the screenshots which show which information is held and he accepts that these demonstrate that the information is not held in a way which could (readily) provide the Applicant with the figures he has requested.
86. In the Commissioner's view, it would require skill and complex judgement to provide the information through the creation of a bespoke report. Moreover, he accepts that Authority staff do not possess the particular skills needed to extract this information, noting that the creation of the bespoke report required must be outsourced to a third party.
87. The Commissioner therefore accepts that the Authority was entitled to give the Applicant notice under section 17(1) of FOISA that it did not hold the information in request (v).

Commissioner's view on the Authority's handling of request (v)

88. In its submissions to the Commissioner, the Authority acknowledged that the request could have been managed more effectively. It stated that, while it aimed to address the Applicant's questions accurately, it recognised that it could have been focused more on the recorded information that was available at the time of the request and that it should have provided a clearer response to the Applicant, along with a better explanation of the requested information.

89. In addition, it acknowledged that its response and review outcome could have been more transparent and detailed, and the Authority stated that it understood the importance of providing comprehensive and precise information to the Applicant. It apologised to the Applicant for providing an insufficient response to requests (iii) and (v) of his original request and stated that it should have provided a full response based on the recorded information held by relevant service(s) which it acknowledged that it had failed to do.
90. The Commissioner notes the actions which have been taken by the Authority to address the failures in the handling of this request and review outcome.
91. He also notes the Authority's acknowledgement of and explanation for the shortcomings of its handling of the searches in this case.

The Commissioner considers that the inadequacy of the Authority's searches in this case, were not as relevant as in other cases, given that the Authority's reasons for concluding the information was not held was because new information would need to be created to satisfy the request, not because they had searched but could not find it.

92. Nevertheless, he considers that the Authority failed to carry out adequate searches for the information requested prior to responding to the Applicant's request and requirement for review, and he would urge them to ensure that thorough and proportionate searches are carried out in future, when responding to information requests.

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 by giving the Applicant notice, under section 17(1) of FOISA, that it did not hold information falling within the scope of request (v), the Authority complied with Part 1.

However, the Commissioner finds that by wrongly notifying the Applicant, in terms of section 17(1) of FOISA, that it did not hold information falling within the scope of request (iv), the Authority failed to comply with Part 1.

Given that the Authority had directed the Applicant to the relevant information online and provided him with manually totalled amounts which provided what he had asked for in request (iv), the Commissioner does not require the Authority to take any action in respect of this failure.

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

30 June 2026