



Scottish Information
Commissioner
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Decision Notice 239/2026

Property factor management

Authority: Scottish Ministers
Case Ref: 202501892

Summary

The Applicant made a seven-part information request to the Authority seeking various information about two named property factor management companies, plus information on how the Authority recorded the failure of property factors to comply with the Code of Conduct and on the costs of the Authority's handling of certain matters concerning property factors.

The Authority refused to comply with four of the requests on the basis it considered these to be repeated requests, it withheld the information for two of the requests on the basis that this comprised personal data, disclosure of which would breach data protection principles, and it informed the Applicant that it held no recorded information for the remaining request.

The Commissioner investigated and was satisfied that the Authority had correctly withheld the third party personal data for two of the requests, and that the Authority held no recorded information for one of the requests. However, for the remaining four requests, he found that the Authority was not entitled to refuse to comply with these requests on the basis that they were repeated and he required the Authority to issue a revised review outcome for each of these.

Relevant statutory provisions

[Freedom of Information \(Scotland\) Act 2002](#)¹ (FOISA) sections 1(1), (2), (4) and (6) (General entitlement); 2(1)(b) and (2)(e)(ii) (Effect of exemptions); 14(2) (Vexatious or repeated requests); 17(1) (Notice that information is not held); 38(1)(b), (2A), (5) (definitions of “the data protection principles”, “data subject”, “personal data” and “processing”, “the UK GDPR”) and (5A) (Personal information); 47(1) and (2) (Application for decision by Commissioner).

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

[United Kingdom General Data Protection Regulation](#)² (the UK GDPR) articles 4(1) (definition of “personal data”) (Definitions); 5(1)(a) (Principles relating to the processing of personal data); 6(1)(f) (Lawfulness of processing).

[Data Protection Act 2018](#)³ (the DPA 2018) sections 3(2), (3), (4)(d), (10) and (14)(a), (c) and (d) (Terms relating to the processing of personal data).

Background

1. On 18 July 2025, the Applicant made a seven-part request for information to the Authority. In summary, these requests asked for the following information in relation to two named property factors - SG Property Management Ltd (SGPM) and FirstPort Property Services Scotland Ltd (FirstPort):
 - Publication of all communications and reasoning as to why the Authority failed to remove FirstPort from the Property Factors Register for failing to comply with a PFEO (Property Factor Enforcement Order). [Request 1]
 - Publication of all correspondence and checks, including the Fit and Proper tests, carried out to allow FirstPort to acquire SGPM – in particular why the Authority and the Property Factors Register team allowed this acquisition to take place despite FirstPort failing to meet the requirements for entry on to the Property Factors Register. [Request 2]
 - Publication of evidence used by the Authority to determine that SGPM had complied with previously issued PFEOs, and the checks undertaken by the Authority and the Property Factors Register team to verify that the information provided by the Scottish Courts and Tribunals Service (SCTS) and the Housing and Property Chamber (HPC) was accurate. [Request 3]
 - Explanation of how the Authority recorded the failure of property factors to comply with the [Code of Conduct](#)⁴, where such breaches were not subject to a decision by the First-tier Tribunal (FTT), including where the property factor settled with the homeowner without going to a tribunal. [Request 4]
 - The names and contact details of all responsible persons on the Property Factors Register for SGPM. [Request 5]
 - The names and contact details of all responsible persons on the Property Factors Register for FirstPort. [Request 6]
 - The total annual cost to the Scottish taxpayer, since the Property Factors Act became live, of dealing with complaints on property factors, including the costs of meetings held with property factors to discuss failures to comply with legislation, the costs of dealing with other departments (including SCTS), the costs in assessing a property factor’s entry on or removal from the Property Factors Register and any compliance with the Code of Conduct or PFEOs. [Request 7]

² <https://www.legislation.gov.uk/eur/2016/679/contents>

³ <https://www.legislation.gov.uk/ukpga/2018/12/contents>

⁴ <https://www.gov.scot/publications/property-factors-scotland-act-2011-code-conduct-property-factors/>

2. The full text of all seven of the Applicant's requests is set out in Appendix 1 to this Decision Notice. The Appendix forms part of the Decision Notice.
3. The Authority responded on 18 August 2025, as follows:
 - Requests 1, 3, 4 and 7: The Authority refused to comply with these requests on the basis that they were vexatious in terms of section 14(1) (Vexatious requests) of FOISA. The Authority considered (with explanation) that these requests did not have a serious purpose or value, they had the effect of causing disruption or annoyance to the Authority, they had the effect of harassing the Authority and, from the perspective of a reasonable person, they appeared to focus on prolonging an argument with the Authority on the status of property factors registered under the [Property Factors \(Scotland\) Act 2011](#)⁵ (the PFA).
 - Request 2: The Authority refused to comply with this request on the same basis as set out above for Requests 1, 3, 4 and 7. It further informed the Applicant that, in terms of section 17(1) of FOISA, it did not hold information on "the Fit and Proper tests, carried out to allow FirstPort to acquire SGPM – in particular why the Authority and the Property Factors Register team allowed this acquisition to take place", as there was no locus under the PFA for it to intervene in matters relating to company law.
 - Requests 5 and 6: The Authority disclosed the names of the responsible persons for both SGPM and FirstPort and withheld the remainder of the information requested under section 38(1)(b) of FOISA. It informed the Applicant that the relevant business addresses were available on the [Scottish Property Factor Register](#)⁶.
4. On 21 August 2025, the Applicant wrote to the Authority requesting a review of its decision. The Applicant stated that he was dissatisfied with the decision for the following reasons:
 - Requests 1, 2, 3, 4 and 7: The Applicant disagreed that these requests were vexatious as claimed by the Authority.
 - Requests 5 and 6: The Applicant disagreed with the Authority's decision to withhold the remaining information under section 38(1)(b) of FOISA. He argued that the names and details of the responsible persons could not be withheld as the Explanatory Notes of the PFA clearly stated that they "require a property factor to provide certain information when applying to be registered and to make that information publicly available on the register". As such, he believed that this information must be made publicly available.
5. The Authority notified the Applicant of the outcome of its review on 12 September 2025, modifying its original decision, as follows:
 - Requests 1-4: The Authority substituted its original decisions for these requests with different decisions. It now considered these requests to be repeated requests in terms of section 14(2) of FOISA.
 - Requests 5 and 6: The Authority fully upheld its original decisions for these requests, maintaining its reliance on section 38(1)(b) to withhold the remaining personal data.

⁵ <https://www.legislation.gov.uk/asp/2011/8/contents>

⁶ <https://www.propertyfactorregister.gov.scot/>

- Request 7: The Authority substituted its original decision for this request with a different decision. It now informed the Applicant, in terms of section 17(1) of FOISA, that it did not hold the information requested relating to the calculation of costs.
6. On 16 October 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. The Applicant stated that he was dissatisfied with the outcome of the Authority's review because he disagreed with the exemptions/provisions relied on, as follows:
- Requests 1-4: The Applicant disagreed that his requests were repeated, on the basis that the information requested was not the same as that requested in previous requests.
 - Requests 5 and 6: The Applicant disagreed with the Authority's decision to withhold the remaining information under section 38(1)(b) of FOISA, arguing that the details requested were legally required to be published on the Property Factors Register in terms of the PFA.
 - Request 7: The Applicant disagreed that the information on costs did not exist.

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 28 October 2025, the Authority was notified in writing that the Applicant had made a valid application and the case was subsequently allocated to an investigating officer.
9. 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 focused on:
- its justification for considering requests 1-4 to be repeated requests in terms of section 14(2) of FOISA;
 - its justification for withholding the remaining information asked for in requests 5 and 6 under section 38(1)(b) of FOISA, and
 - the searches carried out by the Authority to justify its position that it did not hold the information asked for in request 7.
2. The Applicant was also invited to submit any comments he wished to make on his legitimate interests in accessing the third party personal data being withheld under section 38(1)(b) for requests 5 and 6.
3. Both parties provided submissions to the Commissioner during the investigation.

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(2) - Repeated requests (Requests 1-4)

11. Section 14(2) of FOISA provides that where a Scottish public authority has complied with a request from a person for information, it is not obliged to comply with a subsequent request from that person which is identical or substantially similar unless there has been a reasonable period of time between the making of the request complied with and the making of the subsequent request.
12. For section 14(2) to apply therefore, the following need to be considered:
 - whether the Applicant's previous request was identical or substantially similar to the request under consideration here;
 - whether the Authority complied with the previous request; and, if so,
 - whether there was a reasonable period of time between the submission of the previous request and the submission of the subsequent request.

Were the four requests identical or substantially similar to the previous requests?

13. To support its position that the four requests under consideration here were repeated requests, the Authority provided the Commissioner with copies of the previous requests made by the Applicant on various dates, which gave details of how and when it had responded to these previous requests. It submitted that, while the words used in the requests across this series of correspondence might not be identical, it believed that it had sufficiently provided full explanations of how the processes (which the Applicant was interested in) worked, the considerations undertaken within those processes, the roles of different bodies and how that work aligned with the requirements of the legislation. It had also stated when it did not hold information and had, on numerous occasions within its FOI responses and in general correspondence, explained its role and the role of the independent judiciary. It was clear to the Authority that the Applicant did not accept the information provided to him, however there was no further information to provide, and continuing to ask the same questions, worded slightly differently each time, would not generate a different response.
14. In its submissions, the Authority explained that the information requested concerned legislative requirements and processes designed to deliver those. However, there was no active consideration, by the Scottish Parliament, of the relevant aspects of the legislation in question and therefore the length of time between these requests was not sufficiently reasonable to allow for a material legislative change which would affect the processes or decision-making approaches associated with property factor legislation.
15. The Authority further submitted that equally, in relation to the Applicant's points on specific property factors, registration was for a three year period and, although monitoring took place during this period, the next formal assessment point was once that three year period was nearing an end. As such, the length of time between these asks was not reasonable to assume a material change in circumstances (even if the Applicant wished it was, based on his misunderstanding about the requirements of registration and the activities he believed the Authority should undertake, based on his allegations).
16. The Authority therefore considered these requests to be repeated as they asked for substantially the same information over a short period of time.

17. In addition, the Authority believed there was a strong case to be made that these requests were vexatious for the purposes of section 14(1) of FOISA, as well as repeated, as it was unable to provide any further information that would satisfy the Applicant.
18. In his application to the Commissioner, the Applicant strongly disagreed with the Authority's decision to deem his requests repeated in terms of section 14(2) of FOISA. He argued that the information requested was not the same as that requested in previous requests, the Authority had even refused to provide the information in previous requests and, in one case, had provided incorrect information.
19. During the investigation, the Applicant provided the Commissioner with further submissions maintaining his dissatisfaction with the Authority's decision. He contended that the information requested here was not the same and involved different property factors and responsible persons. The Applicant argued that, as the PFA required a separate "Fit and Proper" assessment for each responsible person, each property factor would have many "Fit and Proper" tests that needed to be assessed and made available for public viewing as mandated by the PFA.
20. The Commissioner will now go on to consider whether the content and context of the previous requests were identical or substantially similar to each of the four requests under consideration here. Should he find that any of them were, he must then consider whether the previous requests were complied with and whether a reasonable period of time between the previous requests and those under consideration here has passed.
21. The Commissioner notes that, at review stage, the Authority provided a composite response in terms of section 14(2) for requests 1-4. In doing so, the Authority stated that neither the information nor the circumstances had changed since the Applicant's previous requests, that details on its policy on determining property factor applications (including compliance with the Code of Conduct/PFEOs) had been explained in five previous responses, and that details specifically relating to FirstPort had been provided in a sixth response. The Commissioner also notes, however, that the Authority did not specify, at review stage, which of these six responses related to which of the Applicant's requests 1-4.

Request 1 - Publication of all communications and reasoning as to why the Authority failed to remove FirstPort from the Property Factors Register for failing to comply with a PFEO

22. The Authority based its reliance on section 14(2) for request 1 on six previous requests made by the Applicant which related to:
 - legal advice, and to procedures to be followed by the Authority and the Property Factors Register Team, in relation to property factors breaking the Code of Conduct (as opposed to failing to comply with a PFEO), and did not specifically mention FirstPort.
 - (i) details of all cases in the last 10 years where issues identified about a property factor had been addressed, (ii) the justification for allowing a different (named) property factor to remain on the register having broken the Code of Conduct, and (iii) information on the Authority's decision to keep that different (named) property factor on the register in spite of Code breaches, plus explanation as to why each Code breach had not been assessed against section 8 of the PFA (with none of these parts specifically mentioning breaches of PFEOs by FirstPort).
 - the Authority allowing property factors, in general, to commit criminal offences, and did not specifically mention FirstPort.

- (i) a different (named) property factor failing to comply with a PFEO and why the Authority allowed it to remain on the register; (ii) the Authority allowing a property factor, that had regularly failed to comply with the Code of Conduct/PFEO, to remain on the register; (iii) internal concerns raised about property factors' failures to comply with the Code of Conduct/PFEO (all cases); (iv) lengthy gaps between the dates in "Fit and Proper" checklists for a different (named) property factor; (v) a different (named) property factor's registration and the decision to allow it to remain on the register having failed to comply with the Code of Conduct/PFEO, and (vi) the decision to remove the names of individuals from the Property Factor Register website (in general).
- (i) the signing off of, and (ii) legal advice sought before publishing, a specific FOI response; and (iii) the Authority's decision to keep a different (named) property factor on the register that had committed a criminal offence, and the reasons for this (with none of these parts specifically mentioning FirstPort or PFEOs).
- (i) the publication on the register of the names of responsible persons for FirstPort; (ii) the publication of the "Fit and Proper tests and checklists" for the responsible persons for FirstPort, and the Authority's justification for including persons associated with a factor that had previously failed to comply with the Code of Conduct/PFEO in relation to FirstPort or SGPM; (iii) two specific Ministers allowing a property factor, who had or had been associated with a property factor (FirstPort or SGPM) that had previously failed to comply with the Code of Conduct/PFEO to be entered on the register; (iv) actions (or inactions) taken against FirstPort for acting as a property factor prior to inclusion on the register or prior to the responsible persons passing fit and proper tests; and (v) how the Authority's justification for failing to remove three (named) property factors (including FirstPort) from the register was doing "all [the Authority] can to protect homeowners".

23. The Authority explained that it had interpreted request 1 as seeking information on why FirstPort was not removed from the register for failing to comply with a PFEO. It submitted that, although the request referred to FirstPort, it was a request that required a more generalised response. The Authority stated that answering this question required it to provide information explaining what happened when a property factor failed to comply with a PFEO, and that this was required to correct the Applicant's mistaken belief that a failure to comply with a PFEO meant automatic removal from the register.

24. The Authority referred to its responses to the six previous requests referred to in its review outcome which:

- explained that it did not hold legal advice on allowing property factors, who break the Code of Conduct, to remain on the register when that was not permitted and that section 4 of the PFA explained what was required in terms of registration processes. This response also provided information on the procedures and processes used by the Authority when Code breaches were found and what it followed when considering the registration implications of Code breaches.
- explained how registration decisions were made and removals considered based on conduct, including compliance with the Code and PFEOs.

- explained that it was not Authority policy to allow property factors to commit criminal offences (including failures to comply with PFEOs) and remain on the register, along with reference to previous correspondence setting out the process followed and how that aligned with legislation.
 - provided responses to the question of the Authority allowing factors to remain on the register following failures to comply with PFEOs.
 - related to very similar accusations about registration processes in relation to the failure of a different property factor to comply with PFEOs. The application of section 14(1) to certain parts of this request explained that this matter had been wholly addressed previously. The Authority also applied section 17(1) to again confirm that it was not undertaking activity which was not permitted in legislation in relation to registration in the context of Code breaches and failures to comply with PFEOs.
 - provided specific responses in relation to FirstPort. Section 14(1) was applied to certain parts and the Authority had confirmed that it held no information that Ministers gave “their authority to allow” any activity not permitted by legislation to have been undertaken by officials in relation to the registration of this specific property factor and in the context of any Code breaches or failures to comply with PFEOs.
25. The Commissioner has considered the contents and context of the previous requests. He notes that these are not expressed in exactly the same terms as request 1 under consideration here. In request 1, the Applicant is specifically asking for all communications and reasoning as to why the Authority failed to remove a specific property factor, i.e. FirstPort, from the Property Factors Register for failing to comply with a PFEO.
26. The Commissioner has considered the Authority’s interpretation of request 1, as set out above. The Commissioner takes no issue with this interpretation, providing that the Authority’s response, together any previous responses supporting its reliance on section 14(2), satisfied the Applicant’s request for the communications and reasoning requested in relation to FirstPort. In the Commissioner’s view, however, the Authority appears to have veered away from these specifics and has, instead, relied on more generalised information or information relating to different property factors, provided in previous responses.
27. Having fully considered the Authority’s submissions, together with request 1 and the Authority’s responses to the relevant previous requests, the Commissioner concludes that request 1 was not identical or substantially similar to the Applicant’s previous requests (even when taking the six previous requests together), and so cannot be deemed sufficient for section 14(2) to have been correctly applied here. None of the first five previous requests specifically relate to FirstPort or its alleged failure to comply with a PFEO, as required by request 1. While parts of the sixth request do relate specifically to FirstPort, none of these parts are sufficiently similar to request 1. The Commissioner therefore finds that the Authority was not entitled to rely on section 14(2) for request 1.
28. Having found that request 1 was not identical or substantially similar to the Applicant’s previous requests, the Commissioner is therefore not required to go on consider whether the previous requests were complied with and whether a reasonable period of time passed between the previous requests and the one under consideration here.

Request 2 - Publication of all correspondence and checks, including the Fit and Proper tests, carried out to allow FirstPort to acquire SGPM – in particular why the Authority and the Property Factors Register team allowed this acquisition to take place despite FirstPort failing to meet the requirements for entry on to the Property Factors Register

29. The Authority based its reliance on section 14(2) for request 2 on one previous request made by the Applicant which related to:
- (i) the publication on the register of the names of responsible persons for FirstPort; (ii) the publication of the “Fit and Proper tests and checklists” for the responsible persons for FirstPort, and the Authority’s justification for including persons associated with a factor that had previously failed to comply with the Code of Conduct/PFEO in relation to FirstPort or SGPM; (iii) two specific Ministers allowing a property factor, who had or had been associated with a property factor (FirstPort or SGPM) that had previously failed to comply with the Code of Conduct/PFEO to be entered on the register; (iv) actions (or inactions) taken against FirstPort for acting as a property factor prior to inclusion on the register or prior to the responsible persons passing fit and proper tests; and (v) how the Authority’s justification for failing to remove three (named) property factors (including FirstPort) from the register was doing “all [the Authority] can to protect homeowners”.
30. The Authority explained that it had interpreted request 2 as seeking the material it used to register FirstPort and explain what it did to check the acquisition of one company by another was permitted.
31. The Authority referred to its response to the previous request referred to in its review outcome which:
- provided specific responses in relation to FirstPort. Section 14(1) was applied to certain parts and the Authority had confirmed that it held no information that Ministers gave “their authority to allow” any activity not permitted by legislation to have been undertaken by officials in relation to the registration of this specific property factor and in the context of any Code breaches or failures to comply with PFEOs. The response also refused to provide the fit and proper person checklists for FirstPort and their links to SGPM which was directly being asked for in this request.
32. The Commissioner has considered the content and context of the previous request. He notes that this is not expressed in exactly the same terms as request 2 under consideration here. In request 2, the Applicant is specifically seeking correspondence and checks (including the Fit and Proper tests) carried out to allow FirstPort to acquire SGPM, and why the Authority allowed this acquisition to take place despite FirstPort failing to meet the entry requirements for inclusion in the register. The Commissioner can see nothing in the previous request that refers, in any way, specifically to the acquisition of SGPM by FirstPort.
33. The Commissioner has considered the Authority’s interpretation of request 2, as set out above. In his view, the Authority appears to have gone somewhat off-track here, i.e. by disregarding the conditional element of request 2 regarding the acquisition of SGPM by FirstPort. The Commissioner also notes that the Authority’s initial response appears to have answered request 2 more fully, as it takes into account this conditional element, and he is somewhat confused as to why the Authority changed its position, at review stage, to rely on section 14(2).

34. Having fully considered the Authority's submissions together with request 2 and the Authority's response to the relevant previous request, the Commissioner concludes that request 2 was not identical or substantially similar to the Applicant's previous request, and so cannot be deemed sufficient for section 14(2) to have been correctly applied here. None of the parts of the previous request specifically mention the acquisition of SGPM by FirstPort, as required by request 2 and therefore, in the Commissioner's view, cannot be deemed sufficiently similar to request 2. The Commissioner therefore finds that the Authority was not entitled to rely on section 14(2) for request 2.
35. Having found that request 2 was not identical or substantially similar to the Applicant's previous request, the Commissioner is therefore not required to go on consider whether the previous request was complied with and whether a reasonable period of time passed between the previous request and the one under consideration here.

Request 3 - Publication of evidence used by the Authority to determine that SGPM had complied with previously issued PFEOs, and the checks undertaken by the Authority and the Property Factors Register team to verify that the information provided by the SCTS and the HPC was accurate

36. The Authority based its reliance on section 14(2) for request 3 on five previous requests made by the Applicant, which related to:
- legal advice, and procedures to be followed by the Authority and the Property Factors Register Team, in relation to property factors breaking the Code of Conduct (as opposed to failing to comply with a PFEO), and did not specifically mention SGPM.
 - (i) details of all cases in the last 10 years where issues identified about a property factor had been addressed, (ii) the justification for allowing a different (named) property factor to remain on the register having broken the Code of Conduct, and (iii) information on the Authority's decision to keep that different (named) property factor on the register in spite of Code breaches, plus explanation as to why each Code breach had not been assessed against section 8 of the PFA (with none of these parts specifically mentioning breaches of PFEOs by SGPM).
 - the Authority allowing property factors, in general, to commit criminal offences, and did not specifically mention SGPM.
 - (i) a different (named) property factor failing to comply with a PFEO and why the Authority allowed it to remain on the register; (ii) the Authority allowing a property factor, that had regularly failed to comply with the Code of Conduct/PFEO, to remain on the register; (iii) internal concerns raised about property factors' failures to comply with the Code of Conduct/PFEO (all cases); (iv) lengthy gaps between the dates in "Fit and Proper" checklists for a different (named) property factor; (v) a different (named) property factor's registration and the decision to allow it to remain on the register having failed to comply with the Code of Conduct/PFEO, and (vi) the decision to remove the names of individuals from the Property Factor Register website (in general).
 - (i) the signing off of, and (ii) legal advice sought before publishing, a specific FOI response; and (iii) the Authority's decision to keep a different (named) property factor on the register that had committed a criminal offence, and the reasons for this (with none of these parts specifically mentioning SGPM or PFEOs).

37. The Authority explained that it had interpreted request 3 as asking why SGPM was allowed to be registered. It submitted that answering this request required it to provide information explaining what happened when a property factor failed to comply with a PFEO or when a breach of the Code of Conduct was proven, and that this was required to correct the Applicant's mistaken belief that a failure to comply with a PFEO meant automatic removal from the register, and that he understood the roles of the Authority and the FTT.
38. The Authority referred to its responses to the five previous requests referred to in its review outcome which:
- explained that it did not hold legal advice on allowing property factors, who break the Code of Conduct, to remain on the register when that was not permitted and that section 4 of the PFA explained what was required in terms of registration processes. This response also provided information on the procedures and processes used by the Authority when Code breaches were found and what it followed when considering the registration implications of Code breaches.
 - explained how registration decisions were made and removals considered based on conduct, including compliance with the Code and PFEOs.
 - explained that it was not Authority policy to allow property factors to commit criminal offences (including failures to comply with PFEOs) and remain on the register, along with reference to previous correspondence setting out the process followed and how that aligned with legislation.
 - provided responses to the question of the Authority allowing factors to remain on the register following failures to comply with PFEOs.
 - related to very similar accusations about registration processes in relation to the failure of a different property factor to comply with PFEOs. The application of section 14(1) to certain parts of this request explained that this matter had been wholly addressed previously. The Authority also applied section 17(1) to again confirm that it was not undertaking activity which was not permitted in legislation in relation to registration in the context of Code breaches and failures to comply with PFEOs.
39. The Commissioner has considered the contents and context of the previous requests. He notes that these are not expressed in exactly the same terms as request 3 under consideration here. In request 3, the Applicant is specifically asking for the evidence used by the Authority to determine that SGPM had previously complied with PFEOs, and the checks carried out to verify that the information provided by the SCTS and the HPC was accurate.
40. The Commissioner has considered the Authority's interpretation of request 3, as set out above. The Commissioner takes no issue with this interpretation, providing that the Authority's response, together any previous responses supporting its reliance on section 14(2), explained how it had determined that SGPM had complied with previous PFEOs and the checks carried out to verify that the information received from the SCTS and the HPC was accurate. In the Commissioner's view, however, the Authority appears to have veered away from these specifics and has, instead, relied on more generalised information or information relating to different property factors, provided in previous responses.

41. Having fully considered the Authority's submissions, together with request 3 and the Authority's responses to the relevant previous requests, the Commissioner concludes that request 3 was not identical or substantially similar to the Applicant's previous requests (even when taking the five previous requests together), and so cannot be deemed sufficient for section 14(2) to have been correctly applied here. None of the five previous requests specifically relate to SGPM or to the checks carried out to verify the accuracy of the information provided by the SCTS or the HPC, as required by request 3, and therefore, in the Commissioner's view, cannot be deemed sufficiently similar to request 3. The Commissioner therefore finds that the Authority was not entitled to rely on section 14(2) for request 3.
42. Having found that request 3 was not identical or substantially similar to the Applicant's previous requests, the Commissioner is therefore not required to go on consider whether the previous requests were complied with and whether a reasonable period of time passed between the previous requests and the one under consideration here.

Request 4 - Explanation of how the Authority records the failure of property factors to comply with the Code of Conduct, where such breaches are not subject to a decision by the FTT, including where the property factor settles with the homeowner without going to a tribunal

43. The Authority based its reliance on section 14(2) for request 4 on one previous request made by the Applicant which related to:
- the Governance controls in place to ensure all Authority departments (including the HPC, the SCTS and the Judicial Office for Scotland) acted impartially and that the Authority had concrete evidence that property factors complied with the Code of Conduct at all times.
44. The Authority explained that it had interpreted request 4 as seeking information on how it acted separately from the FTT to determine breaches of the Code of Conduct. It submitted that answering this request required it to explain the role of the Authority versus that of the independent judiciary.
45. The Authority referred to its response to the Applicant's previous request referred to in its review outcome which:
- explained and provided further references to previous correspondence in which it had explained the meaning of the separation of powers, and thus that it was for the FTT, and not the Authority, to determine as a matter of fact whether breaches had occurred. The Authority also confirmed that it did not hold this information as this was not part of its role.
46. The Commissioner has considered the content and context of the previous request. He notes that it is not expressed in exactly the same terms as request 4 under consideration here. In request 4, the Applicant is asking for information on how the Authority records failures to comply with the Code of Conduct in specific circumstances.
47. The Commissioner has considered the Authority's interpretation of request 4, as set out above. In his view, the Authority's interpretation of request 4 appears to have gone a bit awry, i.e. in relation to how it acted separately from the FTT to determine breaches of the Code of Conduct. The Commissioner notes that the previous request asked for the governance controls in place to ensure that the Authority (i) acted impartially and (ii) had evidence that property factors complied with the Code of Conduct at all times. The Commissioner can see nothing in request 4 that is asking for information on governance controls in place in these respects, as asked for in the previous request.

48. Having fully considered the Authority's submissions together with request 4 and the Authority's response to the relevant previous request, the Commissioner concludes that request 4 was not identical or substantially similar to the Applicant's previous request, and so cannot be deemed sufficient for section 14(2) to have been correctly applied here. The previous request did not ask for information on how the Authority recorded and took note of all failures to comply with the Code of Conduct, as required by request 4. In the Commissioner's view, therefore, the previous request cannot be deemed sufficiently similar to request 4. The Commissioner finds that the Authority was not entitled to rely on section 14(2) for request 4.
49. Having found that request 4 was not identical or substantially similar to the Applicant's previous request, the Commissioner is therefore not required to go on consider whether the previous request was complied with and whether a reasonable period of time passed between the previous request and the one under consideration here.

Section 38(1)(b) – Personal information (Requests 5 and 6)

Requests 5 and 6 - The names and contact details of all responsible persons on the Property Factors Register for SGPM (Request 5) and for FirstPort (Request 6)

50. Section 38(1)(b) of FOISA, read in conjunction with section 38(2A)(a) or (b), exempts information from disclosure if it is "personal data" (as defined in section 3(2) of the DPA 2018) and its disclosure would contravene one or more of the data protection principles set out in Article 5(1) of the UK GDPR or (where relevant) in the DPA 2018.
51. The exemption in section 38(1)(b) of FOISA, applied on the basis set out in the preceding paragraph, is an absolute exemption. This means that it is not subject to the public interest test contained in section 2(1)(b) of FOISA.
52. To rely on this exemption, the Authority must show that the information withheld is personal data for the purposes of the DPA 2018 and that disclosure of the information into the public domain (which is the effect of disclosure under FOISA) would contravene one or more of the data protection principles to be found in Article 5(1) of the UK GDPR.
53. The Commissioner must decide whether the Authority was correct to withhold the information requested under section 38(1)(b) of FOISA.

Is the withheld information personal data?

54. The first question that the Commissioner must address is whether the withheld information is personal data for the purposes of section 3(2) of the DPA 2018, i.e. any information relating to an identified or identifiable living individual. "Identifiable living individual" is defined in section 3(3) of the DPA 2018. (This definition reflects the definition of personal data in Article 4(1) of the UK GDPR.)
55. Information which could identify individuals will only be personal data if it relates to those individuals. Information will "relate to" a person if it is about them, linked to them, has biographical significance for them, is used to inform decisions affecting them or has them as its main focus.
56. In its submissions to the Commissioner, the Authority stated that the information withheld under section 38(1)(b) comprised names, telephone numbers and home addresses which the Authority considered to be personal (not business) contact details. As those individuals could be identified from that information, the Authority considered it to be personal data as defined by section 3(2) of the DPA 2018.

57. Having considered the Authority's submissions, the Commissioner is satisfied that the information being withheld as personal data "relates to" identifiable living individuals.
58. The Commissioner therefore concludes that the withheld information is personal data for the purposes of section 3(2) of the DPA 2018.

Which of the data protection principles would be contravened by disclosure?

59. The Authority stated that disclosure of the personal data in this case would contravene the first data protection principle (Article 5(1)(a)). Article 5(1)(a) states that personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.
60. In terms of section 3(4) of the DPA 2018, disclosure is a form of processing. In the case of FOISA, personal data is processed when it is disclosed in response to a request.
61. The Commissioner must now consider if disclosure of the personal data would be lawful (Article 5(1)(a)). In considering lawfulness, he must consider whether any of the conditions in Article 6 of the UK GDPR would allow the data to be disclosed. The Commissioner considers condition (f) in Article 6(1) to be the only one which could potentially apply in the circumstances of this case.

Condition (f): legitimate interests

62. Condition (f) states that the processing will be lawful if it is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require the protection of personal data (in particular where the data subject is a child).
63. Although Article 6 states that this condition cannot apply to processing carried out by a public authority in the performance of their tasks, section 38(5A) of FOISA makes it clear that public authorities can rely on Article 6(1)(f) when responding to requests under FOISA.
64. The tests which must be fulfilled before Article 6(1)(f) can be met are as follows:
- Does the Applicant have a legitimate interest in obtaining the personal data?
 - If so, would the disclosure of the personal data be necessary to achieve that legitimate interest?
 - Even if the processing would be necessary to achieve that legitimate interest, would that be overridden by the interests or fundamental rights and freedoms of the data subjects?

Does the Applicant have a legitimate interest in obtaining the personal data?

65. In his application to the Commissioner, the Applicant argued that the details requested were legally required to be published on the Property Factors Register under the terms of the PFA and in line with the [Property Factors Register privacy statement](https://www.propertyfactorregister.gov.scot/privacy)⁷. He further argued that these details were published on the Property Factors Register until September 2024 when they were removed by the Authority. As such, the Applicant did not agree with the Authority's decision that the information could not be disclosed.
66. During the investigation, the Applicant made further submissions to the Commissioner. He noted that the Authority had not specified what data they claimed to be personal data, and so he had assumed that this meant the names and contact details of the responsible persons. He submitted that the PFA placed a statutory duty on the Authority to publish the application

⁷ <https://www.propertyfactorregister.gov.scot/privacy>

data submitted by property factors (i.e. names and contact details, amongst other data) on the Property Factors Register website for public viewing. In this regard, he made reference to the information published on the privacy page of the Property Factors Register website which, he submitted, made clear that the personal data submitted by property factors would be used by the Authority “To be displayed as required on the public register”, and that where a property factor did not wish its personal data to be made public, it could withdraw its application to register and be removed from the register, leaving it unable to operate as a property factor in Scotland. He further submitted that the privacy page also made clear that “Any request for information other than what is available through the public register will be considered under Freedom of Information legislation”. As such, the Applicant argued, there was no excuse for not publishing the names of the responsible persons of property factors, given the property factors were well aware and had consented to their personal data being published when making their application to register.

67. Referring to the [Explanatory Notes to the PFA](#)⁸ [section 4 of Part 1], the Applicant noted that these made clear that “The main effects of Part 1 of the Act are to:
- require a property factor to provide certain information when applying to be registered and to make that information publicly available on the register;
 - make it an offence to knowingly fail to provide required information or to provide false information in respect of an application to be registered;
 - require the Scottish Ministers to consider whether a property factor is a fit and proper person to be registered as a property factor.”
68. The Applicant further submitted that the information requested was previously published by the Authority on the public Property Factors Register since it went live in October 2014 until September 2024. In his view, this rendered the Authority’s sudden objection to providing information they were legally required to make public (and had previously done so) extremely suspicious and dodgy.
69. In addition, the Applicant argued that the information requested was published on the Companies House website with no concerns, i.e. the names, dates of birth, job titles and addresses of the property factors’ Directors who, he stated, were the responsible persons as defined by the PFA. As such, the Applicant believed the Authority could have no valid objections to publishing and disclosing the requested information.
70. The Applicant also provided further background information in support of his legitimate interest in disclosure of the information. This included links to articles published on the websites of the Authority, the UK Parliament, the Scottish Parliament, the SCTS and a separate property factor, plus media articles in local and national press.
71. In this regard, the Applicant believed that it was clear that the issues he had raised, and the information that he had requested, stemmed from a wider problem affecting homeowners across Scotland. He argued that the Authority’s secrecy and attempts to shut down anyone who sought information which would expose its failure to take action on such issues was not helpful and would only make matters worse.

⁸ <https://www.legislation.gov.uk/asp/2011/8/notes/contents>

72. In its submissions to the Commissioner, the Authority stated that it was not aware of any legitimate interests the Applicant had in the information requested. It explained that the Applicant's request formed part of a large body of correspondence relating to the registration of property factors, during the course of which the Applicant had made numerous accusations of staff dishonesty, incompetence, criminality and maladministration against named individuals, the team and civil servants in general. The Authority submitted that the Applicant had explicitly stated that he would not stop until his allegations had been proven which, in the Authority's view, amounted to a pattern of threatening and harassing behaviour.
73. In the Authority's view, the Applicant was asking for this personal data because he was making allegations against those persons, and this was not a legitimate interest in obtaining their personal data (contact details). It contended that, if the Applicant suspected that a law had been broken, he could report it to the police for investigation as necessary.
74. The Authority explained that section 1(2) of the PFA required that "The register must be available for public inspection at all reasonable times", and that section 4(6) (with reference to section 3(2)) set out the information that required to be included in an entry in the Property Factors Register.
75. As such, the Authority submitted, section 4(6) set out the information that was required to be contained in the Property Factors Register and section 1(2) provided that the public must be able to inspect that information at all reasonable times. However, this did not require it to publish the information in the online system, rather it meant that an individual may, at any time, seek to inspect the register and the Authority would afford that opportunity. In practice, the Authority explained, this was often in response to a request for specific information, but it could also be facilitated by providing opportunity for inspection of the register in person at the Authority's premises.
76. The Authority submitted that, in terms of the PFA, it was legally obliged to make available the "full name and business address of the person" and the "full name and address of any other person..."[as listed in section 3(2)(a) and (c) of the PFA]. This, it stated, meant that the contact information requested was only legally required to be a business address. The Authority argued that it had no legal obligation under the PFA to release individuals' personal contact details and any such information held would be withheld under section 38(1)(b) of FOISA, as in this case.
77. The Commissioner notes the Authority's position that it is under no obligation to publish the information requested in the online system, and that it discharges its legal obligation to make the information in the Property Factors Register publicly available by way of responding to information requests, or by facilitating in-person viewing of the register at its premises. However, the issue for the Commissioner to consider in this case is not concerned with the online publication of the information, rather he must decide whether the Authority was correct to withhold the information requested by the Applicant under section 38(1)(b) of FOISA, in response to his information request.
78. Turning to the matter of legitimate interests, the Commissioner has considered the submissions from both parties. Having done so, he recognises that the Applicant may have a legitimate interest in knowing how decisions regarding property factors are considered and dealt with, and there is clearly a legitimate interest in the wider public being aware of such matters. He accepts that disclosure of the personal data would assist in the understanding of these. The Commissioner therefore accepts that the Applicant has a legitimate interest in the withheld information.

Is disclosure of the personal data necessary?

79. Having accepted that the Applicant has a legitimate interest in the withheld information, the Commissioner must consider whether its disclosure is necessary for the Applicant's legitimate interests. In doing so, he must consider whether these interests might reasonably be met by any alternative means.
80. The Commissioner has considered this carefully in light of the decision by the Supreme Court in [South Lanarkshire Council v Scottish Information Commissioner \[2013\] UKSC 55](#)⁹. In this case, the Supreme Court stated (at paragraph 27):
- “A measure which interferes with a right protected by Community law must be the least restrictive for the achievement of a legitimate aim. Indeed, in ordinary language we would understand that a measure would not be necessary if the legitimate aim could be achieved by something less.”
81. "Necessary" means "reasonably" rather than "absolutely" or "strictly" necessary. When considering whether disclosure would be necessary, public authorities should consider whether the disclosure is proportionate as a means and fairly balanced as to the aims to be achieved, or whether the requester's legitimate interests can be met by means which interfere less with the privacy of the data subject.
82. In its submissions to the Commissioner, the Authority stated that, if the Applicant did have a legitimate interest in the personal data, it accepted that processing and disclosure of the data would be necessary to satisfy that legitimate interest. The Authority could identify no way of disclosing the information in a way that would not disclose personal data.
83. The Commissioner has considered the information listed in section 3(2) of the PFA (read in conjunction with section 4(6)) which requires the Authority to enter “the full name and business address of the person” (section 3(2)(a)) and “... the full name and business address of the individual ...” (section 3(2)(c)) in the register, and that the register must, in terms of section 1(2), be available for public inspection at all reasonable times.
84. The Commissioner notes that the withheld information in this case comprises the contact details of the responsible persons whose names were provided, by the Authority, in response to requests 5 and 6. He concurs with the Authority's view that this information comprises the personal contact details of these individuals, as opposed to their business contact details. He can see nothing in the PFA which obliges the Authority to enter in the register the personal contact details of the responsible persons. Having carried out sample searches of the Property Factors Register, the Commissioner is satisfied that it includes the business addresses (including website addresses) of the property factors named in requests 5 and 6. This indicates to the Commissioner that the Authority appears to be discharging its obligations under the PFA, in this respect, appropriately.
85. In light of this, the Commissioner cannot accept that it is necessary for the third party personal data being withheld in requests 5 and 6 to be disclosed to the Applicant to fulfil his identified legitimate interest. In the Commissioner's view, that is already met by the inclusion, in the Property Factors Register, of the businesses addresses of the individuals (in line with section 3(2)(a) and (c) of the PFA), which, when following the links for the property factors named in requests 5 and 6, provide access to relevant business contact information.

⁹ https://supremecourt.uk/uploads/uksc_2012_0126_judgment_889774728f.pdf

86. In all the circumstances, therefore, the Commissioner finds that condition (f) in Article 6(1) of the UK GDPR cannot be met and disclosure of the information would therefore be unlawful.
87. Given that the Commissioner has concluded that the processing of the personal data would be unlawful, he is not required to go on to consider whether disclosure of the personal data would otherwise be fair and transparent.
88. The Commissioner is satisfied, in the absence of a condition in Article 6(1) of the UK GDPR which would allow the data to be disclosed, that disclosure would be unlawful. He finds that the remaining personal data requested is therefore exempt from disclosure (and properly withheld) under section 38(1)(b) of FOISA.

Whether the Authority held the information requested (Request 7)

Request 7 - The total annual cost to the Scottish taxpayer, since the PFA become live, of dealing with complaints on property factors, including the costs of meetings held with property factors to discuss failures to comply with legislation, the costs of dealing with other departments (including SCTS), the costs in assessing a property factor's entry on or removal from the Property Factors Register and any compliance with the Code of Conduct or PFEOs.

89. 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 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) are not applicable in this case.
90. The information to be given is that held by the authority at the time the request is received, as defined by section 1(4). This is not necessarily to be equated with information an applicant believes the authority should hold. If no such information is held by the authority, section 17(1) of FOISA requires it to give the applicant notice in writing to that effect.
91. The standard of proof to determine whether a Scottish public authority holds information is the civil standard of the balance of probabilities. In determining where the balance of probabilities lies, the Commissioner considers the scope, quality, thoroughness and results of the searches carried out by the public authority. He also considers, where appropriate, any reason offered by the public authority to explain why it does not hold the information. While it may be relevant as part of this exercise to explore expectations about what information the authority should hold, ultimately the Commissioner's role is to determine what relevant recorded information is (or was, at the time the request was received) actually held by the public authority.
92. In his application to the Commissioner, the Applicant did not agree that the information requested did not exist. He argued that the Authority's [Public Finance Manual](#)¹⁰ [point 32 of Annex 2 "Counter fraud policy"] made it clear that every staff member was responsible for "Acting with propriety in the use of official resources and the handling and use of public funds", therefore the costs he had requested must be known for staff to have complied with this Manual.

¹⁰ <https://www.gov.scot/publications/scottish-public-finance-manual/fraud-and-gifts/annex-2-counter-fraud-policy/>

93. The Applicant further submitted that the [Civil Service Code](#)¹¹ [point 6] also made it clear that every staff member must “carry out your fiduciary obligations responsibly (that is make sure public money and resources are used properly and efficiently)”, therefore he believed that the Authority must hold the data he had requested to make sure that the public money and resources used by the Property Factors Register team was used properly and efficiently.
94. In its submissions to the Commissioner, the Authority noted that the request was asking for information it held on the “total cost to the taxpayer”. It submitted that this would require the costs incurred by itself, the SCTS and the Police Service of Scotland, to be identified, estimated and added up. It confirmed that it held no information about the costs incurred by bodies which were not part of the Authority.
95. For any information relating to costs incurred by the Authority, it explained that it had not calculated the costs incurred for the activities described and so the information requested did not exist for the following reasons:
- There was no legislative requirement to undertake such an activity.
 - The information had not been ordered by a body with standing to do so (such as Audit Scotland or the Scottish Parliament).
 - The Authority did not routinely cost these kinds of activities, records of staff numbers and hours spent working on these activities since 2012 did not exist and staff involved in these activities had other duties (not only those set out in the request) - civil servants did not record their time against different tasks or activities.
 - The activities described in the request would likely involve staff time in the core delivery team as well as time from the Authority’s legal department.
 - Some of the activities described (“secret meetings”) were not activities which the Authority carried out.
96. In light of this, the Authority confirmed that it had not carried out any searches for the information, however it was satisfied that it had correctly informed the Applicant, in terms of section 17(1) of FOISA, that the information was not held.
97. The Commissioner has considered the submissions from both parties. He has taken account of the Applicant’s arguments in which he explains why he considers the Authority should hold the information requested. He has also considered the reasons provided by the Authority in support of its position that it does not hold that information.
98. Given the nature of the information requested, and the explanations provided by the Authority, the Commissioner is satisfied that the arguments provided by the Authority sufficiently explained why it did not, and would not have expected to, hold the information requested.
99. In the circumstances, the Commissioner is therefore satisfied, on the balance of probabilities, that the Authority does not (and did not, on receipt of the request) hold any recorded information falling within the scope of this request. He therefore finds that the Authority was correct to give notice, in terms of section 17(1) of FOISA, that it did not hold the information asked for in request 7.

¹¹ <https://www.gov.scot/publications/civil-service-code/>

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, for requests 5 and 6, the Authority correctly withheld the remainder of the information requested under section 38(1)(b) of FOISA and that, for request 7, it correctly informed the Applicant, in terms of section 17(1) of FOISA, that it did not hold the information requested. The Commissioner finds that the Authority complied with Part 1 of FOISA in these respects.

However, the Commissioner also finds that the Authority was not entitled to refuse to comply with requests 1-4 in terms of section 14(2) of FOISA on the basis that these were repeated requests. The Commissioner finds that, in doing so, the Authority failed to comply with Part 1 of FOISA in these respects.

The Commissioner therefore requires the Authority to carry out a fresh review for requests 1-4, and issue the Applicant with a fresh review outcome for each of these requests, otherwise than in terms of section 14(2) of FOISA, by **2 November 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

17 September 2026

Appendix 1 – Full text of Applicant's seven requests

SG Property Management/FirstPort

I'd like to draw your attention to two other property factors that I have serious concerns about. My current property factor is SG Property Management who were recently acquired by the FirstPort Group.

I can see both SG Property Management and FirstPort are both registered on the Property Factors Register.

However, I can also see from the Housing and Property Chamber's website that FirstPort failed to comply with a Property Factors Enforcement Order in January 2024.

<https://housingandpropertychamber.scot/sites/default/files/2024-01/Written%20Decision%20%28Failure%20to%20Comply%20with%20Order%29%203985%20%26%20others.pdf>

The Property Factors Act is clear – failure to comply with a Property Factors Enforcement Order is a criminal offence and FirstPort should have been removed from the Property Factors Register! Another [Authority] failure! I look forward to seeing the Parliamentary answers to questions in this area to see how extensive [the Authority's] failure to remove offending property factors from the Register is.

I request the following FOI:

- Publish all communications and reasoning as to why [the Authority] failed to remove FirstPort from the Property Factors Register for failing to comply with a PFEO? [Request 1]
- Publish all correspondence and checks, including the Fit and Proper tests, carried out to allow FirstPort to acquire SG Property Management – in particular why [the Authority] and Property Factors Register team allowed this acquisition to take place despite FirstPort failing to meet the requirements for entry on to the Register. [Request 2]

In July 2025, following the acquisition of SG Property Management by FirstPort, I have received my first invoice from FirstPort (previous invoices came from SG Property Management) - this invoice fails to meet the requirements of the Property Factors Act and Code of Conduct and contains fraudulent balances that the property factor has so far failed to explain and fails to demonstrate the basic of things such as VAT, VAT registered number and apportionment details that were included on previous invoices. SG Property Management/FirstPort also failed to notify me of any increases in fees as is required under the Code of Conduct! Both SG Property Management and FirstPort have been asked to provide proof of their Authority to Act for the housing estate but so far have failed to respond to that too!

It is clear that all property factors are failing to comply with the Property Factors Act and the Code of Conduct because they know [the Authority is] too scared to take action against them and Scottish householders are paying the penalty for these failures! See attached emails sent to SG Property Management – their Written Statement of Service requires them to respond in 5 working days – this is the 10th working day and they still have not replied (despite them sending an auto acknowledgement that they had received my complaint!)

I request further FOIs to:

- Publish the evidence that [the Authority] used to determine that SG Property Management had complied with previously issued Property Factors Enforcement Orders requiring them to

have a complaints process in place that complies with the Code of Conduct and that SG Property Management's Written Statement of Services (WSS) correctly states its Authority to Act (one of which is case FTS/HPC/LM/19/1850). The invoices and WSS I have from them proves they did not comply with the PFEO to correct this as the WSS they use is the same WSS they provide to every customer and is published on their website! The WSS currently on their website does not comply with the PFEO that they allegedly had complied with! What checks did the Property Factors Register team/[the Authority] take to check that the information provided to them by the Scottish Courts and Tribunal Service / Housing and Property Chamber was accurate and correct? [Request 3]

- Explain how [the Authority] records and takes note off all failures of property factors failing to comply with the Code of Conduct that are not subject to a decision by the First Tier Tribunal. The First Tier Tribunal make it clear that they only deal with cases where the property factor refuses to acknowledge a code breach so how does [the Authority] factor in all the code breaches by property factors where the property factor settles with the homeowner without going to a tribunal? These are still breaches of the code and [the Authority] should be punishing property factors who break the code regardless of how and when they break it. [Request 4]
- Provide the names and contact details of all the "Responsible persons" named on the Property Factors Register for SG Property Management Ltd. [Request 5]
- Provide the names and contact details of all the "Responsible persons" named on the Property Factors Register for FirstPort Property Services Scotland Ltd. [Request 6]

I can also see that, once again, [Authority] staff are complaining about the amount of resources taken up by requests! This is a breach of Freedom of Information laws! If [the Authority] had followed the law and done their job properly the first time around by removing offending property factors from the Register I wouldn't have been contacting them in the first place! [The Authority's] failure to ensure property factors comply with the Property Factors Act has wasted a great deal of tax payer's money – money that could have been saved had [the Authority] followed the law and removed property factors who have broken the Code of Conduct or a PFEO. Therefore I request a further FOI:

- Calculate the total cost (provided annually) to the Scottish tax payer since the Property Factors Act became live of dealing with complaints on property factors, the cost of these "secret" meetings held with property factors to discuss their failures to comply with legislation, costs of dealing with other departments (including SCTS) and any other costs involved in a property factor's assessment of their requirements for entry or removal from the Register and whether they have complied with the Code of Conduct or any PFEOs. [Request 7]

I trust you will find these concerns alarming and will take steps to rectify them and ensure that ALL property factors who fail to meet the requirements set out in the Property Factors Register are removed and that all [Authority] staff who have played any part in keeping property factors on the Register who have failed to comply with either the Code of Conduct or a Property Factors Enforcement Order or have attempted to cover up or silence any complaints are disciplined and reported to the Police, the Civil Service Commission and any other authority.

END