



Scottish Information
Commissioner
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Decision Notice 242/2026

Handling of a complaint

Authority: Scottish Legal Complaints Commission
Case Ref: 202501342

Summary

The Applicant asked the Authority for information related to the handling of a complaint he made to the Authority. The Authority informed the Applicant that it did not hold some of the information requested and withheld other information under various exemptions in FOISA. The Commissioner investigated and found that the Authority partially complied with FOISA in responding to the Applicant's request. However, he found that the Authority failed to correctly respond to some of the Applicant's questions. He required the Authority to issue the Applicant with a revised review outcome in response to these questions.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2), (4) and (6) (General entitlement); 17 (Notice that information is not held); 25(1) (Information otherwise available); 38(1)(a) and (5) (definitions of "the data protection principles", "data subject", "personal data" and "the UK GDPR") (Personal information); 47(1) and (2) (Application for decision by Commissioner).

United Kingdom General Data Protection Regulation (the UK GDPR) Articles 4(1) (definition of "personal data") (Definitions) and 15 (Right of access by the data subject).

Data Protection Act 2018 (the DPA 2018) sections 3(2),(3), (5) and (14)(Terms relating to the processing of personal data).

Background

1. On 20 February 2025, the Applicant made a request for information to the Authority. The request consisted of four pages of questions relating to a complaint he had made to the Authority.
2. The text of the request, subject to certain redactions and numbering being added to the questions, is set out in Appendix 1.
3. The Authority responded on 27 February 2025. It informed the Applicant that it only considered certain aspects of his request to be “applicable to FOISA”. Of this information, it stated that most of it was exempt under section 25(1) of FOISA because it was already available on the Authority’s website and that it did not hold the remainder of the information requested.
4. In response to the questions in the request that it did not consider asked for recorded information under FOISA, the Authority advised the Applicant that, where he had asked for his own personal data, it would treat it as a subject access request and respond under the DPA 2018 and it would respond to the remaining questions under its complaints process.
5. On 3 March 2025, the Applicant wrote to the Authority requesting a review of its decision. He stated that he was dissatisfied with the decision because he disagreed that his request primarily consisted of questions about the Authority’s processes rather than requests for recorded information and he was dissatisfied that the Authority had not provided the information he had requested.
6. The Authority responded to the Applicant’s requirement for review on 7 March 2025. It upheld its original decision but advised the Applicant that he had a further right of review to the Authority.
7. The Applicant wrote again to the Authority on 2 April 2025. He stated that he remained dissatisfied with the Authority’s decision for the following reasons:
 - the Authority had failed to identify and provide all of the information requested
 - he disagreed that the information available on the Authority’s website fully addressed the relevant parts of his request
 - the Authority had failed to provide him with a reasonable level of advice and assistance.
8. On 2 May 2025, the Authority informed the Applicant it was modifying its previous decision. It accepted that it had not “properly applied FOISA” in responding to the request and reconsidered the request, item by item. It informed the Applicant that it did not hold some of the information requested and otherwise withheld the information requested under the exemptions in sections 25(1), 26(a) and 38(1)(a) of FOISA. It advised the Applicant of his right of appeal to the Commissioner if he was dissatisfied with the outcome of the review.
9. On 12 August 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. He stated that he was dissatisfied with the outcome of the Authority’s review for the following reasons:
 - the Authority was not entitled to inform him that it did not hold some of the information requested
 - he was dissatisfied with the level of advice and assistance the Authority had provided

- he disagreed with the Authority's application of the exemptions in sections 25(1) and 38(1)(a) of FOISA.

Investigation

10. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.
11. On 8 September 2025, the Authority was notified in writing that the Applicant had made a valid application. The Authority was asked to send the Commissioner the information withheld from the Applicant. The Authority provided the information, and the case was allocated to an investigating officer.
12. Section 49(3)(a) of FOISA requires the Commissioner to give public authorities an opportunity to provide comments on an application. The Authority was invited to comment on this application and to answer specific questions related to its handling of the request and how it established what information it held falling within scope.
13. The Applicant did not appeal the Authority's application of the exemption in section 26(a) of FOISA. The Commissioner has therefore not considered this exemption, which was applied to questions 1, 8, 10, 16, 27, 37 and 38 of the request (as numbered in Appendix 1) further in his decision notice.
14. The Authority did not consider question 29 of the request (as numbered in Appendix 1) to be a valid information request. The Commissioner accepts this and has therefore not considered this question further in his decision notice.
15. The Commissioner also does not consider questions 11, 22, 24 or 25 of the request (as numbered in Appendix 1) to be valid information requests. He has therefore not considered these questions further in his decision notice.
16. The Authority does not appear to have specifically responded to question 5 of the request (as numbered in Appendix 1). As the Applicant did not express dissatisfaction with this in his application, the Commissioner has not considered this question further in his decision notice.

Commissioner's analysis and findings

17. The Commissioner has considered all of the submissions made to him by the Applicant and the Authority.
18. In what follows, all references to numbered questions in the request relate to the numbering given to these questions by the Commissioner as set out in Appendix 1.

Sections 1(1) and 17(1) of FOISA – General entitlement and notice that information is not held

19. 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 in section 1(6) of FOISA are not applicable in this case.

20. 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. If no relevant information is held by the authority, section 17(1) of FOISA requires the authority to give the applicant notice to that effect.
21. 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 lies, the Commissioner considers the scope, quality, thoroughness and results of the searches carried out by the public authority.
22. 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) actually held by the public authority.
23. The Authority issued the Applicant with a notice, in terms of section 17(1) of FOISA, in response to questions 6 (partially), 7, 17, 20, 21 (partially) and 39.

The Applicant's submissions

24. In this case, the Applicant considered that the Authority may hold further information and provided examples of further information he expected the Authority to hold, such as records relating to a "compact to remit" or records relating to the alteration of a specific determination.

The Authority's submissions

25. The Authority explained that it had reviewed all documentation on the initial complaint case and the appeal case to identify information in scope. It said that it had a standard process, so it was aware of what documents were created for each case.
26. The Authority noted that it may have previously stored some information in separate solicitor's files, but it confirmed that these had been destroyed in October 2023 (i.e. prior to the date of the request).
27. The Authority explained that its case management system has a documentation management system within it and that all documentation was held within this system. For the Authority's policies and internal guidance, it consulted with its Investigation Management Team and searched for and reviewed the policies itself, which were held centrally in a SharePoint library, for any information falling within the scope of the relevant questions.
28. Given that the Applicant had also made a Service Delivery Complaint, the Authority checked with the manager dealing with the complaint, who had also reviewed documents to identify information relevant to the request, to make sure it had not misunderstood or missed anything in responding to the request.
29. The Authority also consulted with members of Investigation Management Team to check what documents would have been produced in the course of a complaint to see if there was further information available.
30. In addition, as the Applicant had been corresponding with the Authority's CEO, the Authority's liaised with the CEO to identify information relevant to the request.

The Commissioner's view

31. In all cases, it falls to the public authority to persuade the Commissioner, with reference to adequate, relevant descriptions and evidence, that it holds no more information than it has identified and located in response to the request.
32. The Commissioner has carefully considered the submissions from both parties, together with the nature of the questions under consideration, the information identified, the supporting evidence and explanation of searches. Having done so, he is satisfied that the searches carried out by the Authority were reasonable and would have been capable of identifying any further relevant information, if it were held.
33. The Commissioner therefore concludes, on balance, that the Authority does not (and did not, on receipt of the request) hold further information falling within the scope of the questions of the request under consideration, beyond that already identified by the Authority.
34. While the Applicant believed and expected more information to be held by the Authority, the Commissioner is satisfied that this was not the case. He has no locus, in this context, to determine what information an authority ought to record, or how: he is concerned with what information the authority actually holds.
35. The Commissioner therefore finds that the Authority was correct to give the Applicant notice, in terms of section 17(1) of FOISA, in response to questions 6 (partially), 7, 17, 20, 21 (partially) and 39.

Section 38(1)(a) – Personal information (requester's own personal data)

36. Section 38(1)(a) of FOISA contains an absolute exemption in relation to personal data of which an applicant is the data subject. The fact that it is an absolute exemption means that it is not subject to the public interest test set out in section 2(1)(b) of FOISA.
37. This exemption exists under FOISA because individuals have a separate right to make a request for their own personal data under the UK GDPR. This route is more appropriate for individuals to access their personal data, as it ensures that it is disclosed only to the individual.
38. Section 38(1)(a) of FOISA does not deny individuals the right to access information about themselves but ensures that the right is exercised under the correct legislation (the UK GDPR) and not under FOISA.
39. Personal data are defined in section 3(2) of the DPA 2018 which, read with section 3(3), incorporates the definition of personal data in Article 4(1) of the UK GDPR:

“...any information relating to an identified or identifiable living individual; an identifiable living individual means a living individual who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual”.
40. The Authority withheld the information requested in questions 2, 6 (partially), 9, 14, 15, 28, 30, 32 and 34 of the request under the exemption in section 38(1)(a) of FOISA.
41. The Authority does not appear to have separately responded to question 31 of the request under FOISA. However, question 31 is substantially similar to question 30. In the circumstances, the Commissioner considers it reasonable to treat the Authority's response to question 30 as also applying to question 31.

Is the information the Applicant's own personal data?

42. The Applicant asserted that the information requested was not "personal information" about an individual's private life but was "Corporate Communication regarding the exercise of a statutory function".
43. The Authority noted that the Applicant had also submitted a subject access request for his own personal data under the DPA 2018 and that it had disclosed information to him in response to his subject access request.
44. Having reviewed the information withheld under the exemption in section 38(1)(a) of FOISA, the Commissioner notes that a substantial proportion of the information is highly personal information about the Applicant's health, finances, and personal life. Information that does not directly relate to these matters consists of correspondence with the Applicant and is, therefore, directly connected to him.
45. Given that the relevant questions in the request were specifically framed with reference to a named individual – the Applicant himself – the Commissioner is satisfied that these questions, and the information withheld in response to these questions, clearly relate to an identified individual.
46. The Commissioner therefore considers that the majority of the information withheld under the exemption in section 38(1)(a) of FOISA is the Applicant's own personal data and can therefore be withheld under this exemption.
47. However, a small proportion of the information withheld under the exemption in section 38(1)(a) of FOISA simply consists of extended generic extracts from the Authority's rules. Even in the context described in the preceding paragraphs, the Commissioner does not accept that these extracts constitute the personal data of the Applicant.
48. The Commissioner understands that this information was provided to the Applicant in response to his subject access request. He agrees that this was a practical way to provide this information given the context described in the preceding paragraphs. He therefore does not require the Authority to provide this information to the Applicant again.

Section 25(1) – Information otherwise accessible

49. Under section 25(1) of FOISA, information which an applicant can reasonably obtain, other than by requesting it under section 1(1) of FOISA, is exempt information. This exemption is not subject to the public interest set out in section 2(1)(b) of FOISA.
50. Section 25(1) of FOISA 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.
51. The Authority applied the exemption in section 25(1) of FOISA to the information requested in questions 3, 4, 12, 13, 18, 19, 21 (partially), 23, 26, 33, 35 and 36 on the basis that it was otherwise accessible through the Authority's [Policy and Procedure Manual](https://www.scottishlegalcomplaints.org.uk/media/nk0jsz0m/ch035-policy-and-procedure-manual-for-the-slcc-complaints-process-v0401-202504-website-version.pdf)¹ and, for question 21, through the Authority's [Register of Members' Interests](https://www.scottishlegalcomplaints.org.uk/media/xjxlyapl/slcc-members-register-of-interests-march-2025.pdf)².

¹ <https://www.scottishlegalcomplaints.org.uk/media/nk0jsz0m/ch035-policy-and-procedure-manual-for-the-slcc-complaints-process-v0401-202504-website-version.pdf>

² <https://www.scottishlegalcomplaints.org.uk/media/xjxlyapl/slcc-members-register-of-interests-march-2025.pdf>

52. The Applicant disagreed that the information he requested was contained in the documents that the Authority had signposted him to in response to the questions above.
53. In what follows, the Commissioner considers each of these questions in turn.

Questions 3 and 12

54. As these questions are substantially similar in nature, the Commissioner will consider them together.
55. The Commissioner notes that the Policy and Procedure Manual contains relatively few explicit references to fairness, reasonableness and proportionality. However, he accepts that these are all factors informing the Policy and Procedure Manual.
56. In the circumstances, the Commissioner accepts that the Policy and Procedure Manual meets the description of the information sought by the Applicant in questions 3 and 12 of the request. He therefore finds that the Authority was entitled to rely on the exemption in section 25(1) of FOISA in response to these questions.

Questions 4 and 13

57. As these questions are substantially similar in nature, the Commissioner will consider them together.
58. The Commissioner notes that the Policy and Procedure Manual extends beyond the Applicant's situation, covering all manner of edge cases (such as deceased complainers and practitioners based abroad).
59. In the circumstances, the Commissioner is not satisfied that directing the Applicant to the entire Policy and Procedure Manual confirms which particular sections of the Manual were relevant to questions 4 and 13 of the request. Consequently, the Commissioner does not accept that the Authority was entitled to rely on the exemption in section 25(1) of FOISA in response to these questions.
60. However, the Commissioner accepts the Authority's explanation that it does "not maintain separate records demonstrating how a step, policy or process was followed in individual cases".
61. Having also considered the submissions from the Authority set out earlier in the decision notice relating to the steps it took to identify information falling within the scope of the request, the Commissioner is therefore satisfied, on balance, that the specific information sought by the Applicant in questions 4 and 13 of the request is not held by the Authority.

Question 18

62. The Commissioner notes that the Policy and Procedure Manual has a clearly labelled section on the Determination Committee describing how it conducts its work.
63. In the circumstances, the Commissioner therefore accepts that the Policy and Procedure Manual meets the description of the information sought by the Applicant in question 18 of the request. He therefore finds that the Authority was entitled to rely on the exemption in section 25(1) of FOISA in response to this question.

Question 19

64. Given the nature of the Policy and Procedure Manual, which includes procedures for handling complaints, the Commissioner accepts that the Manual meets the description of the

information sought in question 19 of the request (i.e. for policies, procedures and guidelines for assessing, investigating and progressing complaints).

65. In the circumstances, the Commissioner therefore finds that the Authority was entitled to rely on the exemption in section 25(1) of FOISA in response to question 19 of the request.

Question 21

66. The Commissioner notes that the Register of Members' Interests shows no recorded conflict of interest with the parties involved in the Applicant's complaint.
67. In the circumstances, the Commissioner is therefore satisfied that the Authority was entitled to rely on the exemption in section 25(1) of FOISA in response to question 21 of the request.

Question 23

68. The Commissioner agrees that, although there is some ambiguity in the Applicant's request, interpreting question 23 of the request as relating to the procedures to be followed is within the range of reasonable interpretations the Authority could take.
69. The Commissioner notes that the Applicant did not clearly and specifically challenge the interpretation taken by the Authority.
70. The Commissioner recognises that the Policy and Procedure Manual contains procedures for seeking comments from both parties. He agrees that this information addresses question 23 of the request, insofar as it related to the underlying procedures to be followed by the Authority.
71. In the circumstances, the Commissioner is therefore satisfied that the Authority was entitled to rely on the exemption in section 25(1) of FOISA in response to question 23 of the request.

Question 26

72. The Commissioner notes that the Policy and Procedure Manual clearly includes a policy on redacting material. He therefore accepts that the Authority was entitled to rely on the exemption in section 25(1) of FOISA in relation to question 26 insofar as it requested information on the Authority's policy on redacting material from a complaint.
73. However, the Policy and Procedure Manual does not contain the case-specific information requested in the latter part of question 26 of the request. The Commissioner therefore does not accept that the Authority was entitled to rely on the exemption in section 25(1) of FOISA in relation to this part of question 26.
74. The Commissioner requires the Authority to reconsider the latter part of question 26 of the request and issue the Applicant with a revised review outcome in relation to this part of question 26.

Question 33

75. The Commissioner accepts, given the function of the Policy and Procedure Manual, that aspects of the Manual are directly relevant to question 33 of the request.
76. In the circumstances, the Commissioner is therefore satisfied that the Authority was entitled to rely on the exemption in section 25(1) of FOISA in response to question 33 of the request.

Question 35

77. The Commissioner notes that the Policy and Procedure Manual mentions reporting alleged breaches to professional bodies.
78. However, having reviewed the Manual, the Commissioner has been unable to identify a detailed process for doing so and the Authority does not appear to have directed the Applicant to such a detailed process.
79. The Commissioner therefore cannot be satisfied that the Authority was entitled to rely on the exemption in section 25(1) of FOISA in response to question 35 of the request.
80. The Commissioner requires the Authority to reconsider question 35 of the request and issue the Applicant with a revised review outcome in relation to this question.

Question 36

81. As noted above, the Commissioner accepts that the Policy and Procedure Manual describes how the Authority handles investigations. He is satisfied that the Manual meets the description of the information sought in question 36 of the request (i.e. how the Authority investigates and assesses potential breaches of professional conduct).
82. In the circumstances, the Commissioner therefore finds that the Authority was entitled to rely on the exemption in section 25(1) of FOISA in response to question 36 of the request.

Section 15 – Duty to provide advice and assistance

83. Section 15(1) of FOISA requires a Scottish public authority, so far as it is reasonable to expect it to do so, to provide advice and assistance to a person who proposes to make, or has made, a request for information to it.
84. Section 15(2) states that a Scottish public authority shall be taken to have complied with this duty where (in relation to the provision of advice and assistance in a particular case) it conforms with the guidance in the Scottish Ministers' Code of Practice on the discharge of functions by Scottish public authorities under FOISA and the Environmental Information (Scotland) Regulations 2004 ([the Section 60 Code](#))³.
85. The Applicant expressed dissatisfaction that the Authority did not offer advice and assistance on how he might refine or reframe his requests and that it did not explain the nature or scope of exemptions claimed beyond "bare statutory citation".
86. The Commissioner notes that, while the Applicant's requests were broad, the Authority did not rely upon any provision of FOISA (for example, the cost limit under section 12 of FOISA) to which over-breadth of the request may have been relevant.
87. In the circumstances, the Commissioner therefore does not consider it was necessary for the Authority to provide advice on this point. However, he would highlight that the Applicant can consult his [Tips for Requesters](#)⁴ guidance to assist him in making more focused requests in future.
88. The Commissioner is satisfied that the provisions relied upon, including the exemptions cited to withhold information from the Applicant, are competently set out in the Authority's review outcome of 2 May 2025. They adequately explain the provision of FOISA being relied upon

³ <https://www.gov.scot/publications/foi-eir-section-60-code-practice/>

⁴ https://www.foi.scot/sites/default/files/2022-03/Tips_for_Requesters.pdf

(including, in relation to the exemption in section 26(a) of FOISA, the legislation that it considered prohibited disclosure under FOISA) and directed the Applicant to where the information it considered was otherwise accessible could be found.

89. The Commissioner acknowledges that the Authority could have provided a more detailed explanation of which specific sections of the Authority's Policy and Procedure Manual related to the specific questions of the request. However, given the volume and complexity of these questions (as set out in Appendix 1), the Commissioner accepts it was reasonable, in the circumstances, for the Authority to have opted to provide the level of comment that it did.
90. In all of the circumstances, the Commissioner is satisfied that the Authority complied with its duty under section 15(1) of FOISA.

Handling matters

91. There is one further matter that the Commissioner must comment on.
92. The Authority does not appear to have recognised the Applicant's requirement for review of 3 March 2025. Consequently, the Authority proceeded to advise the Applicant in its response of 7 March 2025 that he had a further right of review to the Authority.
93. As the Applicant's correspondence of 3 March 2025 was a valid requirement for review, the Authority's response of 7 March 2025 was already a review outcome in terms of section 21 of FOISA. It therefore did not give rise to a further right of review to the Authority. Instead, the Authority should have advised the Applicant of his right of appeal to the Commissioner.
94. The Commissioner recommends that the Authority ensures its staff, especially in public facing roles, are trained to recognise FOI requests and requirements for review and how to respond to these in line with their obligations under FOI law.

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 correctly withholding some information under the exemptions in sections 25 and 38(1)(a) of FOISA, the Authority complied with Part 1.

However, by incorrectly withholding other information under the exemption in sections 25 of FOISA, and by incorrectly withholding some generic extracts as exempt under section 38(1)(a), the Authority failed to comply with Part 1 (in particular section 1(1)).

The Commissioner requires the Authority to reconsider questions 26 and 35 of the request and to issue the Applicant with a revised review outcome (in terms of section 21 of FOISA) in response to these questions, by 2 November 2026.

Given that the Commissioner is satisfied that the information he has found the Authority incorrectly withheld under the exemption in section 38(1)(a) of FOISA has already been disclosed to the Applicant in response to his subject access request under the DPA 2018, he does not require the Authority to take any action regarding this failure, in response to the Applicant's application.

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

18 September 2026

Appendix 1: Request dated 20 February 2025

1. All records, minutes, notes, and email correspondence related to any meetings or communications between the [Authority] and representatives of [a law firm] regarding the remittal of [the Applicant's] complaint back to the Determination Committee (DC).
2. Documentation demonstrating how the [Authority] ensured [the Applicant's] input was appropriately and duly sought, considered, given credence and actioned before any decision about remitting the complaint.
3. Documents relating to how the [Authority] satisfied itself that a fair, reasonable, and proportionate process was applied, considering the alleged breaches of conduct by [a law firm] and glaring lack of due process.
4. Confirmation of which sections of the [Authority's] complaints procedures were followed to manage the Appeal by [a law firm] and address the complaints made by [the Applicant]. (Including referring matters to, and involving other bodies, which according to the [Authority's] stated policy, must be approached and consulted on issues that are outwith the remit of the [Authority] / DC).
5. Were the Law Society of Faculty of Advocates or Law Society of Scotland or others approached by the [the Authority] to investigate?
6. Documents showing when and where the process was changed regarding [the Applicant's] complaint(s) and how each issue was categorised, how decisions along the process were made and advice offered to aid [the Authority] or it's 'case handler' to make assumptions and decisions, and how any relevant parties were informed, along with any relevant 'informed consent' that was obtained throughout.
7. Documentation relating to why there was a "misplaced focus" on the initial mortgage and banking arrangements, instead of addressing other substantive issues, and additionally upholding presumptions, fabricated assumptions and assertions relating to those arrangements and other matters that are merely unfounded speculation and conjecture.
8. All records, minutes, notes, and email correspondence related to any meetings or communications between the [Authority] and representatives of [a law firm] regarding the remittal of [the Applicant's] complaint back to the Determination Committee (DC). This must include how the unilateral compact to remit the complaint back to the DC was agreed *inter alios acta*, without submission or consideration of [the Applicant's] input, or request for such.
9. Specific documentation demonstrating how [the Authority] ensured [the Applicant's] input was sought, opportunity given, duly considered, and appropriately processed and actioned prior to any decision about remitting the complaint back to the DC, (or involving a decision to move to present it to court – and why he was relatively excluded from the whole 'court process').

10. Information and evidence relating to the meetings, discussions, and subsequent 'agreement' ("[redacted] Minute Agreement") and why this excluded any input from [the Applicant], whether due process was followed, and why this 'Minute' was delivered and presented effectively in delict as a behind-scenes fait accompli. [A law firm] and the [Authority], acting through their respective representatives, entered into a compact to subsequently remit this Complaint from the Court back to the Determination Committee without any input from the Complainant, thereby stripping the Complainant of his legal rights ad interim. This "[redacted] Minute Agreement" was concluded without the Complainant's knowledge or involvement. This, and numerous other actions, raise serious concerns regarding ultra vires activities.
11. Provide evidence that the [Authority] was and is in compliance with Article 6 of the ECHR (Right to a Fair Hearing) and the principles of Audi Alteram Partem (both sides must be heard) in both this and other stages of the complaint process for both complaints. Documentation and other information must include how the unilateral compact to remit the complaint back to the DC was agreed inter alios acta, without seeking submission or consideration of input from [the Applicant], other than to tell him it was done.
12. Any documents relating to how [the Authority] satisfied itself that a fair, reasonable, and proportionate process was applied, considering the alleged breaches of conduct by [a law firm].
13. Confirmation of which sections of [the Authority]'s complaints procedures were followed to manage the appeal by [a law firm] and which specifically and fully address the complaints made by [the Applicant]. Response to Appeal and Submissions.
14. All documentation demonstrating whether [the Applicant] was given a formal and appropriate opportunity to respond to the Appeal lodged by [a law firm], and how this process was managed by [the Authority]., and whether his submissions were given due consideration and sufficiently wide attention and involvement with expert individuals to ensure full assessment and legal opinion was sought, considered and recommendations and action taken where so advised.
15. Confirmation of receipt, processing, and consideration of [the Applicant]'s rebuttal document (in response to the 'Appeal' by [a law firm]). Who had sight of this document and when, and what was done with it. Copies of all internal and external communications regarding [the Applicant]'s complaints, ensuring compliance with the Public Records (Scotland) Act 2011. If it was not considered, provide an explanation, and evidence, of why it was omitted from the process (and whether it was actually considered prior to the second DC meeting). Additionally, explain therefore why credence and effort was given to [a law firm]'s 'Appeal' and no such consideration given to either [the Applicant]'s Rebuttal AND his formal appeal for parity (Plea for Fair Legal Process and Due Consideration' submitted on April 3, 2023) also formally submitted to [the Authority] and expectation that this would result in a re-assessment of due process and subsequently be presented too, to the DC. The Rebuttal argued to quash (cass) the Appeal, raise a legal objection (essonzie), and argue that the opportunity to raise objections has now passed (circumduce). [The Applicant] received no response to this Rebuttal. Despite prompt submission to [the Authority], the Complainant received minimal acknowledgement of these documents and no assurance that it was properly considered (never mind acknowledged) or affected the ongoing process at all.

16. Evidence of what efforts were made by [the Authority] to ensure the determination committee had all relevant, non-redacted or otherwise unduly curated information, including [the Applicant]'s rebuttal document, and other information that would have substantiated his complaint.
17. Details of [the Authority]'s policies on acknowledging receipt of documents submitted by the parties to a complaint, and how and if these were followed.
18. Details of how the DC is conducted, including procedural timelines and milestones, whether they were adhered to, and the DC informed in line with due process. Procedural Due Diligence and Impartiality
19. Copies of all internal policies, procedures, and guidelines followed by [the Authority] in assessing, investigating, and progressing complaints of this nature, especially those involving allegations of breaches of professional conduct and client confidentiality and whether they were followed.
20. Evidence that the internal guidelines outlining [the Authority]'s duty to act independently and without bias, in accordance with Regulation 8 of [the Authority] Rules were followed.
21. Documentation proving [the Authority] followed standard legal practices to prevent conflicts of interest. (Ditto that [the Authority] ensured that [a law firm] had done likewise)
22. Evidence of compliance with public law principles of Wednesbury unreasonableness (ensuring decisions were made rationally and lawfully).
23. Information detailing the specific steps taken by [the Authority] to ensure an 'equality of arms' in this case, safeguarding [the Applicant]'s legal rights, especially in light of the significant imbalance between the parties. There has been an "inequality of arms" that has disfavoured his side. In the final report (and all along the process) [the Authority] has allocated disproportionate space and weight to his and [a law firm]'s positions.
24. Detailed procedures to ensure impartiality, objectivity, and fairness in [the Authority]'s processes, and how these procedures were applied to this case.
25. Information on how [the Authority] ensures that any submission or assertion put forth by [a law firm] has not been accepted without question or to the same degree of scrutiny, while the Complainant's submissions have been discounted or ignored, and how 'undue influence' should be, and whether specific steps were undertaken to prevent impartiality, in line with [the Authority's] policy.
26. [The Authority]'s policy on redacting or omitting material from a complaint, including the criteria and authorisation process for those redactions, especially redactions made prior to submission at each stage, and to the DC for ultimate consideration. This includes a detailed explanation as to why key details of both of [the Applicant]'s complaints have been redacted at each and every stage of both complaints. Confirmation of what information, if any, was omitted from the summary documents, and on what basis (based on evidence, not conjecture).
27. Specific information and evidence demonstrating that all relevant issues raised by [the Applicant], including those regarding conflict of interest and data protection breaches, were appropriately considered during [the Authority]'s investigation and at all stages of the process.

28. Copies of all internal and external communications pertaining to the decisions made and deliverance regarding this case. This includes how the decisions were communicated to [the Applicant] and [a law firm].
29. Explain specific occasions where input or other submissions from [a law firm] were taken 'as read' and accepted and not investigated and evidenced.
30. Evidence showing that [the Authority] proactively kept [the Applicant] informed in line with [the Authority] procedure and expected level of service and probity, or if they did not, the reasons why.
31. Documentation proving that [the Applicant] was kept informed throughout the process.
32. Copies of all internal and external communications regarding [the Applicant]'s complaints, ensuring compliance with the Public Records (Scotland) Act 2011.
33. Information and evidence detailing how [the Authority] addresses complaints that involve allegations of breaches of legal codes of conduct.
34. Documentation demonstrating that [the Applicant]'s complaint was used to investigate and address the allegations of breach of conduct, and that key information was not ignored or omitted.
35. Confirmation of [the Authority]'s process for reporting alleged breaches of code of conduct to the relevant professional body.
36. Details on how [the Authority] investigated and assessed potential breaches of professional conduct by [a law firm], as per the Law Society of Scotland Practice Rules 2011, including fullest information on all the following:

Specific Code of Practice Potential Breaches:

- a. Breach of conduct codes, specifically Rules B2.4, B2.1.4, and B1.7.
 - b. Breaches of Rules B1.7.2, B1.10, B1.5, B.1.9, B2.1.7, and B4.
 - c. Conflict of interest. [a law firm] claimed to be both acting on behalf of [the Applicant], and yet not acting on his behalf, with violations of client confidentiality, and negligent or improper handling of client affairs, favouring another party.
 - d. Data protection contraventions, including [a law firm] accessing information relating to [the Applicant's] financial accounts, mortgage and using this information without his knowledge; provide evidence that this was duly investigated by [the Authority]. (Indeed, documents and information pertaining to him alone, was shared without his knowledge throughout, the mortgage settlement and disbursement of funds without [the Applicant's] knowledge or consent, unauthorised access and sharing of [the Applicant's] personal and financial information with others, violating data protection laws and client confidentiality).
 - e. Evidence that [the Authority] investigates / investigated probable ultra vires actions: many actions taken by [a law firm] appear to have been done without proper legal authority, including unauthorised access to [the Applicant's] financial data, exclusion from due process, wrongful documentation and actions, concealment of documents and other activities and removal of funds from his account.
37. Provide evidence that [the Authority] investigated the matter of facilitation of an illegal loan arrangement with security over [the Applicant]'s property.

38. The loan was given by a private individual through [a law firm] (not connected to [the Applicant]), and this party is not an authorised lending entity - which is of course a regulated activity – and it was undertaken with an accompanying security over the property, and as the loan agreement was structured such that the lender acquires an ownership stake or co-ownership in the property, this is also illegal. The Consumer Credit Act 1974 and related regulations require lenders who engage in certain types of lending (especially involving personal loans) to be licensed by the Financial Conduct Authority (FCA) in the UK. If the loan comes from an unlicensed individual, the transaction may be considered voidable, and the lender could face penalties. If the unlicensed individual is attempting to secure the loan with an interest in property (such as a part ownership or a heritable security), it would be invalid if the lender is not properly authorised. "Void ab initio" applies.

Provide evidence that this was investigated, and why this was omitted from any further explanation and not duly processed. Did [the Authority] investigate this as a potential Breach of Fiduciary Duty?

39. [A law firm] arranged this 'loan' despite lacking experience in such transactions. Provide documented evidence that this was in line with professional codes of conduct expected by [the Authority] and the legal profession, and specifically why this did not raise any questions or merit thorough investigation and action.

There was inadequate procedure, and lack of rightful legal documentation provided for a complex property transaction and knowledge of the process employed (as stated and accepted by [a law firm]), hindering informed decision-making; please provide information as to whether the conduct of [a law firm] in this regard was investigated, and if not, why not.