Scottish Information Commissioner
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Decision Notice 249/2026

Information relating to the Climate Camp 2025, held in Twechar.

Authority: Chief Constable of the Police Service of Scotland
Case Ref: 202502215

Summary

The Applicant asked the Authority for information relating to the Climate Camp 2025, held in Twechar. The Authority informed the Applicant that it did not hold the specific information requested. The Commissioner investigated and found that the Authority had been entitled to notify the Applicant that it did not hold some of the information, but that it had not been entitled to rely on section 17 of FOISA for other information covered by part of the request. The Authority had also not been entitled to delay in responding to the Applicant's request by asking that she provide her full name.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2) and (6) (General entitlement); 8(1)(b) Requesting information; 10(1) Time for compliance; 17(1) (Notice that information is not held); 21 (1) Review by Scottish public authority; 47(1) and (2) (Application for decision by Commissioner).

Background

1. On 28 July 2025, the Applicant made a request for information to the Authority. She asked for information relating to the Climate Camp 2025, held in Twechar in July on private land. She specifically asked for:

    (i) How many police officers were deployed for this in total, and how many at any given time?

(ii) How much money was spent policing this event? Please provide a breakdown if possible.

(iii) What other assets were used for this? (i.e. police vehicles, drones, etc).

(iv) Please provide a copy of all minutes and reports created for and around this event.

2. The Authority responded on 1 August 2025. Relying on section 8 of FOISA, it requested the full name of the requester (the Applicant) and advised that its response deadline would be calculated as 20 working days from the date when it received the full name. It further explained that the Applicant's request would be placed on hold and would be considered withdrawn if no response was received within 20 working days.

3. On the same date, the Applicant wrote to the Authority. She disputed the Authority's interpretation of section 8 of FOISA and asked for a prompt response.

4. The Authority notified the Applicant on 4 August 2025 that it would be unable to progress the request without the Applicant providing her full name.

5. On 9 August 2025, the Applicant wrote to the Authority, she stated that, when submitting the form, she had entered her full name, which was also clearly displayed at the top of the page. She therefore considered that she had complied with both the letter and spirit of the legislation. The Applicant questioned why the Authority required any further information and asked that the Authority cease being obstructive and comply with the FOI request. She also pointed out what she considered to be hypocrisy, noting that the Authority's own response had not included the name of the person who had responded, let alone their "full name".

6. On 28 August 2025 the Applicant wrote to the Authority. She provided her full name, simultaneously submitting a requirement for review of the Authority's failure to comply with its FOI obligations.

7. On the same date the Authority responded, explaining that the Applicant's request was on hold until they provided their full name, and it would continue to remain on hold until their name was provided.

8. The Applicant replied on 18 September 2025. She confirmed that her full name was added at the bottom of her email of 28 August 2026.

9. On 24 September 2025, the Authority responded to the Applicant's request of 28 July 2025. It stated that pursuant to section 17 of the FOISA, the information sought was not yet held. It explained that it was in the process of finalising the resource and cost analysis for Operation Roll and was therefore unable to provide the requested information at that time. It anticipated that the information would be available by the end of October.

10. On 25 September 2025 the Authority notified the Applicant of the review outcome in response to her requirement for review dated 28 August 2025. It stated that, having reviewed all records associated with the request, it was satisfied that the request had been handled in accordance with the legislation and that section 21(4)(a) therefore applied. The Authority reiterated that, as had been explained to the Applicant throughout the process, an applicant was required to provide their full name for an information request to be valid. It referred to OSIC guidance concerning the requirement to provide an applicant's name. It submitted that as no name had been provided until the Applicant requested a review it considered that its original response had not been late and that it had complied with the relevant legislation.

11. The Applicant wrote to the Authority on 6 November 2025 submitting a requirement for review in relation to the Authority's response of 24 September 2025.

12. The Authority responded on 7 November 2025. It stated that the Applicant had misunderstood the position regarding their FOI request. It explained that the response was not outstanding, as a response had been issued on 24 September advising that the requested information was not held. It further stated that, as a matter of assistance, it had advised the Applicant that the requested cost information was anticipated to become available around late October. It confirmed that the FOI request and the related review had been closed.

13. The Authority further advised that, if the Applicant remained interested in receiving the cost information, they would need to submit a new FOI request. It explained that FOI legislation applied to information held at the time a request was submitted and did not provide for requests to remain pending while information was being recorded or collated.

14. The Applicant wrote to the Commissioner on 9 December 2025, expressing her dissatisfaction with the Authority's refusal to provide the requested information and with the manner in which it had handled the request. She considered the Authority's approach to have been obstructive throughout and maintained that, in her view, the Authority had failed to comply with the spirit of the FOI legislation.

Investigation

15. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.

16. On 16 December 2025, the Authority was notified in writing that the Applicant had made a valid application. The case was subsequently allocated to an investigating officer.

17. Section 49(3)(a) of FOISA requires the Commissioner to give public authorities an opportunity to provide comments on an application. The Authority was invited to comment on this application and to answer specific questions. These related to its reliance on section

Commissioner's analysis and findings

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

19. The Commissioner notes that the Applicant exchanged several emails with the Authority following the submission of her information request on 28 July 2025. The Commissioner considers that the correspondence between the parties concerned two distinct matters;

    (i) The first matter related to the validity of the request, specifically the requirement to provide the applicant's full name (the "full name issue").

    (ii) The second matter concerned the substance of the request, namely the provision of the information sought.

The validity of the request (The first matter)

20. The correspondence between the parties primarily concerned the validity of the request and, in particular, the requirement for the Applicant to provide her full name.

    (i) The Authority's email of 1 August 2025, referred to in paragraph 2, sought further information from the Applicant in the form of her full name. The Authority advised that a full name is required under section 8 of FOISA, that the statutory 20 working day response period would run from the date the full name was provided, and that the request would be placed on hold pending receipt of this information. The Authority also advised that the request would be treated as withdrawn if the Applicant failed to respond within 20 working days.

    (ii) In the Applicant's email of 1 August 2025, referred to in paragraph 3, she disputed the Authority's position in relation to the requirement to provide her full name.

    (iii) The Authority's email of 4 August 2025, referred to in paragraph 4, explained that it would not be able to progress the request without the Applicant providing her full name. The Authority re-iterated that the request would remain on hold meantime.

    (iv) The Applicant's email of 9 August 2025, mentioned in paragraph 5, is a follow up email in which the Applicant stated that her full name was clearly displayed at the top of the page.

    (v) The Applicant's email of 28 August 2025, referred to in paragraph 6, in which the Applicant provided their full name in the text of the email, was the applicant complying with the Authority's request to provide their full name. In this same email the Applicant simultaneously submitted a requirement for review expressed her dissatisfaction at the Authority's failure to provide a response within 20 working days and its failure to comply with its FOI obligations.

    (vi) The Authority's email of 25 September 2025, referred to in paragraph 10, was the Authority's review outcome in respect of the validity of the request (the requirement of the full name), which the Applicant challenged in their requirement for review of 28 August 2025.

Section 8(1) of FOISA.

21. Section 8(1) of FOISA sets down the basic requirements for a valid request for information made in terms of section 1(1). A request for information for the purposes of FOISA is one which:

    a. is in writing or in another form which, by reason of it having some permanency, is capable of being used for subsequent reference

    b. states the name of the applicant and an address for correspondence; and

    c. describes the information requested.

22. The explanatory notes to the Act state that a request must state the name of the applicant, but the identity of the applicant is otherwise unlikely to be of concern to the authority except in the case of vexatious or repeated requests (section 14) or determining whether or not the request is for personal information (section 38). It goes on to say that the supplying of the name and address of the applicant provides a contact point for the authority should it require

additional information from the applicant to assist it in identifying and locating the information requested.

The Applicant's submissions

23. As noted in paragraph 5, the Applicant stated that she submitted the request through the "WhatDoTheyKnow website, and her full name, was clearly displayed at the top of the page of the website form[1].

24. While the Applicant subsequently provided her name again in her email to the Authority dated 28 August 2025, she maintained that the Authority's requirement for a "full name" was based on an incorrect interpretation of section 8(1)(b) of FOISA. She submitted that the legislation requires a request to state the applicant's "name"**;** it does not specify that a requester must provide their full name.

25. In response to the Authority's assertion that no name had been provided until the Applicant requested a review, the Applicant maintained that a name had in fact been provided and was clearly shown both at the top of the relevant page and in the original request. The Applicant therefore disputed the Authority's conclusion that the legislation had been complied with and stated that the review was meaningless because none of the requested information had been provided.

26. Throughout its correspondence with the Applicant, the Authority maintained its position that the provision of a full name is a requirement for a request to be considered valid under FOISA. On that basis, in its response to the Applicant's requirement for review, it argued that an applicant must provide their full name in order for a request to be valid, and as no name had been provided until the point at which the Applicant requested a review the legislation had been complied with.

27. The Authority referred the Applicant to the Scottish Information Commissioner guidance[2] "How to ask", and pdf guidance[3] "the name of the requester or applicant".

The Commissioner's view

28. The Commissioner notes that these guidance documents (referred to by the Authority) state:

"Include your real full name in the main text of the request and provide an email or postal address so the authority can reply. If you use a false name, the authority doesn't have to respond, and the Commissioner and the courts won't be able to enforce your rights.

You must include your full name - it could be your first name and surname (e.g. Jane Smith), or first initial and surname (e.g. J Smith), or title and surname (e.g. Mrs Smith). A first name without a full surname will not be valid. Also, your name must be included in the main text of the request. It's not enough, for example, to rely on your name being visible in an email address or even as the sender of an email."

[1] Climate Camp 2025 policing - a Freedom of Information request to Police Scotland - WhatDoTheyKnow
[2] How do I ask for information? | Scottish Information Commissioner
[3] Informationrequeststhenameoftherequesterorapplicant.pdf

29. In paragraphs 15 – 17 of the Commissioner's pdf guidance referred to above about the requirements of the name of the requester, it states that;

"In general, for a request to be valid, the requester must provide enough of their real name to give anyone reading the request a reasonable indication of their identity. First (or given) names on their own generally won't be enough. However, if the authority can satisfy the Commissioner that it understood who the requester was from the name provided in the request, the Commissioner is likely to accept the request (and any related application) as valid".

30. The guidance also states:

"Requests will normally be valid if they include a surname/family name and an initial/title. However, while a request in the name of "Mrs McDonald" or "J McDonald" will usually be enough, if an authority knows that there are two people with that description living at the same address, it may be reasonable to check which of them is making the request, to determine whether the request is, for example, a repeat request."

31. The Commissioner notes the Applicant's submission that her full name was clearly displayed at the top of the WhatDoTheyKnow webpage[4], the Commissioner considers that, in accordance with the guidance on section 8(1)(b) of FOISA, the applicant's name must be included within the request. In this case, the Commissioner considers it was sufficient for the Applicant's full name to appear at the top of the WhatDoTheyKnow webpage form. This name comes from the Applicant's "WhatDoTheyKnow" account and will appear on every request the Applicant makes using this medium. In the circumstances, the Commissioner is satisfied that this fulfils the requirement for a name in section 8(1)(b)of FOISA. The Authority has not suggested the name used was a pseudonym and were would appear to be no other reason for suspecting that it was, or for suggesting that it was not the Applicant's full name for these purposes Accordingly, the Commissioner accepts that the request complied with the requirements of section 8(1)(b).

32. The Commissioner is therefore satisfied that, in its response to the Applicant dated 1 August 2025 and subsequent communications, the Authority was not entitled to request the Applicant's "full name" in order to determine whether the request met the requirements of section 8(1)(b) of FOISA. As a consequence, the Commissioner also does not accept that the Authority was entitled to advise the Applicant that it would take no further action on the request until the requested information had been provided.

33. The Commissioner acknowledges that his guidance on naming may benefit from some clarification in this area and will consider this in due course.

The substantive request (The second matter)

34. As mentioned in paragraph 6 the Applicant provided her full name in an email dated 28 August 2025, following which the Authority accepted the request as valid.

35. The correspondence set out below comprise the Authority's responses to the Applicant's requirement for review.

[4] Climate Camp 2025 policing - a Freedom of Information request to Police Scotland - WhatDoTheyKnow

(i) The Authority's email of 24 September 2025, mentioned in paragraph 9, was the Authority's response to the Applicant's request, which included within it the rights afforded to the Applicant under sections 19(1) and 47 of FOISA

(ii) The Applicant's email of 6 November 2025, mentioned in paragraph 11, sought a review of the Authority's response of 24 September 2025.

(iii) The Authority's email of 7 November 2025, mentioned in paragraph 12, was the Authority's response to the Applicant's email of 6 November 2025.

Handling of the request

The Applicant's submissions

36. The Applicant raised concerns regarding the Authority's compliance with the statutory 20 working day timescale for responding to FOI requests. The Applicant alleged that the Authority had repeatedly failed to meet its obligations.

37. The Applicant considered that the Authority's approach was inconsistent with the spirit and purpose of freedom of information legislation and was unnecessarily obstructive.

38. The Applicant submitted that the Authority had created additional work for all parties by requiring her to submit a new FOI request for information which, in the Applicant's view, was exactly the same as that requested previously.

39. The Applicant challenged the Authority's statement that "there is no provision in law whereby we can conduct a second review of the same FOI request." The Applicant argued that, while the legislation might not expressly provide for a second review, there was no provision in the law saying that it could not carry one out. She disputed this position, arguing that the previous internal review concerned an entirely different matter (full name) and did not touch on the issues raised in relation to requested information.

40. The Applicant pointed out that the Authority's original response had stated that the information was not available "yet" and considered that this wording reasonably indicated that the information would be shared when it was available. The Applicant considered this to be the case, especially when it was explicitly requested again in a follow up. The Applicant submitted that this approach was consistent with the principles behind FOI legislation and characterised the Authority's refusal to reconsider the request as further unnecessary obstruction.

The Commissioner's view

41. 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.

42. Section 10 (1) provides that a Scottish public authority receiving a request which requires it to comply with section 1(1) must comply promptly; and in any event by not later than the twentieth working day after (a) in a case other than that mentioned in paragraph (b), the

receipt by the authority of the request; or (b) in a case where section 1(3) applies, the receipt by it of the further information.

43. Section 21(1) provides that a Scottish public authority receiving a requirement for review must comply promptly; and in any event by not later than twentieth working day after receipt by it of the requirement.

44. Section 47(1) Provides that the person who is dissatisfied with—

    (i) a notice given under section 21(5) or (9); or

    (ii) the failure of a Scottish public authority to which a requirement for review was made to give such a notice,

    may make application to the Commissioner for a decision whether, in any respect specified in that application, the request for information to which the requirement relates has been dealt with in accordance with Part 1 of this Act.

45. In considering the Authority's compliance with the statutory timescales for responding to requests under FOISA, the Commissioner notes that, in its email of 1 August 2025, the Authority asked the Applicant to provide her full name within 20 working days and explained that the Applicant's request would be placed on hold until her full name was provided. The Applicant subsequently provided her full name on 28 August 2025, following which the Authority accepted the request as valid and issued its substantive response on 24 September 2025.

46. The Commissioner also notes that the Applicant submitted a requirement for review to the Authority on 28 August 2025 in respect of the Authority's failure to respond to her information request of 28 July 2025 within 20 working days.

47. In line with the advice provided to her in the Authority's substantive response of 24 September 2025, the Applicant submitted a requirement for review to the Authority on 6 November 2025 in respect of her dissatisfaction with the content of the Authority's response of 24 September 2025.

48. The Authority responded to the Applicant on 7 November 2025 by explaining that a response to her request was not outstanding as it was issued on 24 September 2025 and her request and related review were closed.

49. In a further response from the Authority on 9 November 2025, it explained that there was no provision in law where it could carry out a second review of the same FOI request. The Authority commented that the Applicant's first review, which was closed, was on the basis that she felt the Authority had not responded to her request within the statutory deadline.

50. Having considered the facts of the case in light of sections 10(1) and 21(1) of FOISA, the Commissioner is not satisfied that the Authority complied with the statutory timescales for responding to the information request.

51. As mentioned in paragraphs 31 and 32, the Commissioner has found that the Authority was not entitled to ask the Applicant to provide her full name, since the full name was provided at the top of the WhatDoTheyKnow webpage form which the Applicant submitted when she made her information request on 28 July 2025.

52. As a consequence, the Commissioner finds that the Authority's response to the Applicant's request was not issued within 20 working days and it therefore failed to comply with section 10(1) of FOISA.

53. The Commissioner is satisfied, however, that the Authority provided a response to the requirement for review submitted by the Applicant on 28 August 2025 within 20 working days.

54. In relation to the Applicant's dissatisfaction with the Authority's refusal to carry out a further review of the same information request, the Commissioner can understand why there was a degree of confusion on the part of the Applicant as to whether she could submit a further requirement for review.

55. In the Authority's response of 24 September 2025 (which was the response to the request made on 28 July 2025) the Authority clearly informed the Applicant, in line with section 19(1) of FOISA, that she had the right to request a review of its response within 40 working days. The Commissioner therefore appreciates that this direction would have given the Applicant the impression that a further review could have been requested.

56. That being said, the Commissioner notes that section 47 of FOISA provides a requester who remains dissatisfied following an authority's review outcome with the right to apply to him for a decision.

57. In the circumstances, despite the provision of confusing information in the Authority's response of 24 September 2025, the Commissioner is satisfied that the Authority was entitled to decline the Applicant's request for a second review, as FOISA does not require an authority to conduct multiple reviews of the same request.

58. The Commissioner also notes that the Authority advised the Applicant (in its response of 25 September 2026) of her right to apply to the Commissioner under section 47 of FOISA if she remained dissatisfied with the review outcome.

59. The Commissioner further finds that FOISA did not require the Authority to provide the information requested if it came to be held at a later date, as an authority's obligations under FOISA are determined by whether the relevant recorded information is held at the time the request is received.

Section 17 - Notice that information is not held

60. Section 1(1) of FOISA provides that a person who requests information from a Scottish public authority which holds it is entitled to be given that information by the public authority, subject to qualifications which, by virtue of section 1(6) of FOISA, allow Scottish public authorities to withhold information or charge a fee for it. The qualifications contained in section 1(6) of FOISA are not applicable in this case.

61. The information to be given is that held by the Authority at the time the request is received, as defined by section 1(4) of FOISA. This is not necessarily to be equated with information that an applicant believes the public authority should hold. If no such information is held by the public authority, section 17(1) of FOISA requires the authority to give the applicant notice in writing to that effect.

The Applicant's submissions

62. The Applicant submitted that the Authority had neither provided the information requested under part (iv) nor explained why this part of the request had not been addressed.

63. The Applicant disputed the Authority's initial indication that it would have the requested information "in a few months." The Applicant argued that the Authority had the relevant information available and could therefore have provided it earlier. Alternatively, the Applicant considered that the Authority could have informed them that additional time would be required to respond, rather than indicating that the information would only be available several months later.

The Authority's submissions

64. The Authority accepted that the application of section 17 of FOISA to part (iv) of the request was incorrect. It acknowledged that, at the time of the Applicant's request, there would have been relevant minutes and reports held by the Authority. On that basis, the Authority considered that section 17 should not have been applied to part (iv) and that section 12 of the Act, concerning excessive cost of compliance, should have been applied instead, as was subsequently done in response to a later FOI request.

65. The Authority considered that the incorrect application of section 17 was likely an oversight, arising from the general subject matter of the request and the timing of the request, particularly given the circumstances and volume of similar requests being dealt with at that time.

66. The Authority apologised for this error and did not dispute that the application of section 17 to part (iv) was incorrect. The Authority explained that it would therefore accept a conclusion by the Scottish Information Commissioner that section 17 was incorrectly applied to part (iv).

67. With regard to information which would fulfil parts (i) to (iii) of the Applicant's request, the Authority continued to rely on section 17 of FOISA and disputed the Applicant's arguments that the event costs could simply be added up shortly after the event.

68. The Authority argued that this was not the case. It explained that the request was submitted only a few weeks after the event, at which point the final financial information had not yet been compiled. It further explained that overtime claims could not be finalised immediately because officers first had to submit their claims, and the amounts depended on factors such as their individual circumstances and length of service; until those claims had been received, checked and processed, the Authority could not establish the true cost of the event.

69. The Authority submitted that although there might be a planned deployment in advance, the actual resources used could change during the event. It gave an example of an officer who was not originally scheduled to attend but could be deployed because of an incident and subsequently incur overtime.

70. The Authority accepted that the information could ultimately be brought together, but only once all the underlying source information had been recorded and became available. It explained that there was no inherent difficulty with collating the information. The problem was that of timing of the request and the lack of available information at that point. It added that once the relevant overtime, financial and resource records had been completed, it was able to collate the requested information.

71. The Authority pointed out that the Applicant made a second request, and that the later request resulted in substantive answers to the questions.

72. In line with its duty to provide advice and assistance under section 15 of FOISA, the Authority commented that it had advised the Applicant to submit the request at a later date because the information would then be available. It argued that the answers provided were accurate, based on the information available at that particular time.

The Commissioner's view

73. The Commissioner has carefully considered the submissions made by both the Applicant and the Authority.

74. 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 must first of all consider the interpretation and scope of the request and thereafter the quality, thoroughness and results of the searches carried out by the public authority.

75. The Commissioner also considers, where appropriate, any reason offered by the public authority to explain why it does not hold the information. Ultimately, however, the Commissioner's role is to determine what relevant recorded information is actually held by the public authority (or was, at the time it received the request).

76. The Commissioner notes the Authority's arguments that the information could ultimately be brought together, but only once all the underlying source information had been recorded and became available. He also accepts its explanation that there was no inherent difficulty with collating the information but, as at the time of the request, the information was not available.

77. The Commissioner also understands Authority's argument in paragraph 58 that at the time of the request the final financial information had not yet been compiled. He accepts its explanation that overtime claims cannot be finalised immediately because officers first have to submit their claims, and the amounts depend on factors such as their individual circumstances and length of service, and until those claims have been received, checked and processed, the Authority cannot establish the true cost of the event.

78. The Commissioner is satisfied that the information requested was not held by the Authority at the time the request was received. In the circumstances, the Commissioner is satisfied that the Authority was entitled to notify the Applicant that the information was not held.

79. While the Applicant believed and expected the specified information to be held by the Authority, the Commissioner is satisfied, on balance, that the Authority does not (and did not, on receipt of the request) hold any of the recorded information falling within the scope of parts (i) to (iii) of the request. 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.

80. In all of the circumstances, therefore, the Commissioner accepts that that the Authority was entitled to provide the Applicant with notice under section 17 that the information was not held.

81. The Commissioner notes that, following the Authority's advice, the Applicant submitted a second request for the same information on 9 December 2025. The Commissioner further notes that the Authority failed to respond to this request within the statutory period of 20 working days. He also notes that, on 12 March 2026, the Authority carried out a review and

acknowledged its failure to respond within the required timescale, offering an apology to the Applicant. In its review outcome, the Authority responded to the request by disclosing some of the information sought, while withholding other information under a number of exemptions.

82. Section 47(1) provides that:

"A person who is dissatisfied with (a) a notice given under section 21(5) or (9); or (b) the failure of a Scottish public authority to which a requirement for review was made to give such a notice, may make application to the Commissioner for a decision whether, in any respect specified in that application, the request for information to which the requirement relates has been dealt with in accordance with Part 1 of this Act.

83. Section 47(2) provides that:

"An application under subsection (1) must; (a) be in writing or in another form which, by reason of it having some permanency, is capable of being used for subsequent reference (as, for example, a recording made on audio or video tape); (b) state the name of the applicant and an address for correspondence; and (c) specify:

(i) the request for information to which the requirement for review relates;

(ii) the matter which was specified under sub-paragraph (ii) of section 20(3)(c); and

(iii) the matter which gives rise to the dissatisfaction mentioned in subsection (1).

84. The Commissioner notes that he invited the Applicant to submit an application in relation to the second request, thereby enabling him to exercise his powers under section 47 of FOISA to investigate the Authority's handling of that request. However, as at the date of this decision, no such application has been received.

Decision

The Commissioner finds that the Authority partially complied with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA).

The Commissioner finds that by giving the Applicant notice, under section 17(1) of FOISA, that it did not hold information falling within the scope of parts (i), (ii) and (iii) of the request, the Authority complied with Part 1.

However, the Commissioner finds that the Authority failed to comply with FOISA:

- when, in its response to the Applicant dated 4 August 2025, it requested the Applicant's full name in order to determine whether the request met the requirements of section 8(1)(b) of FOISA
- by failing to respond to the Applicant's request for information within the timescale laid down by section 10(1) of FOISA.

By wrongly notifying the Applicant, in terms of section 17(1) of FOISA, that it did not hold information falling within the scope of part (iv) of the request, the Authority failed to comply with section 1(1) of FOISA. However, as the Authority informed the Applicant of the position in relation to this information in its response to a later request (in respect of which the Applicant could have applied to the Commissioner) the Commissioner does not require the Authority to take any action in respect of this failure.

Appeal

Should either the Applicant or the Authority wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

Euan McCulloch
Head of Enforcement

29 September 2026