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Burness Paull

FOISA AND THE EIRS: HANDLING VEXATIOUS OR MANIFESTLY UNREASONABLE REQUESTS

FIONA KILLEN, PARTNER (PUBLIC AND REGULATORY
LAW), BURNNESS PAULL LLP

SCOPE OF THIS TALK

- Interpreting the legislation – Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004
- Recognising vexatious or manifestly unreasonable requests
- Handling the requests in accordance with the law
- Options for responding to an applicant
- Explaining reasons to requester for decisions and categorisation of request
- Justifying application of exemptions/exceptions to OSIC

VEXATIOUS REQUESTS UNDER FOISA

VEXATIOUS REQUESTS UNDER FOISA –

KEY SOURCES OF LAW AND GUIDANCE

s14(1) FOISA: Vexatious requests:

“(1) Section 1(1) does not oblige a Scottish public authority to comply with a request for information if the request is vexatious.”

OSIC Guidance:

[BriefingSection14VexatiousorRepeatedRequests2022.pdf \(itspublicknowledge.info\)](#)

OSIC decisions: 106 published decisions citing s14(1) to date between 2005 and 2022: [Decisions | Scottish Information Commissioner \(itspublicknowledge.info\)](#)

Case law: *William Frederick Ian Beggs v Scottish Information Commissioner* [2018] CSIH 80

**MANIFESTLY UNREASONABLE
REQUESTS UNDER THE EIRS**

MANIFESTLY UNREASONABLE REQUESTS UNDER EIRS –

KEY SOURCES OF LAW AND GUIDANCE

Manifestly unreasonable requests: Reg 10(4)(b):

*“(4) A Scottish public authority may refuse to make environmental information available to the extent that – ...
(b) the request for information is manifestly unreasonable”.*

OSIC Guidance:

[BriefingRegulation104bManifestlyUnreasonableRequests.docx.pdf](#)
[\(itspublicknowledge.info\)](#)

OSIC decisions: 35 decisions between 2010 and 2022:

[Decisions | Scottish Information Commissioner \(itspublicknowledge.info\)](#)

The Aarhus Convention: An Implementation Guide:

[Aarhus Implementation Guide interactive eng.pdf](#)

[\(unece.org\)](#)

Q&A

 Burness Paul