

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 1 – Access to information held by Scottish public authorities

Section 16 – Refusal of request

60. This section details the manner in which an authority is required to provide a refusal of a request for information.
61. If an authority considers it is not required to disclose the information requested because of any exemption in Part 2, it must, within the period set under section 10, provide the applicant with a notice in writing. A refusal notice must specify the four matters listed at section 16(1)(a) to (d). Such a notice must also state the public interest reasons for withholding the information in the case of those exemptions which also require the public interest test to be considered. The refusal notice does not require the disclosure of information which itself would be exempt.
62. If an authority considers it is not required to disclose the information because it estimates that to do so would incur excessive cost under section 12, then it must also provide the applicant with a refusal notice as above.
63. An authority must also issue a refusal notice if it considers a request for information is vexatious or a repeated request under section 14. However, an authority is not obliged to do this if it has already done so in response to an identical or substantially similar request and to do so would clearly be unreasonable.
64. A refusal notice for non-disclosure of information which is exempt, or where disclosure would incur excessive cost, or where the request is considered vexatious or a repeated request, must also specify the details of complaints procedure operated by that authority, of the right of internal review (conferred by section 20(1)), and of the right of appeal to the Scottish Information Commissioner (conferred by section 47(1)).