



Scottish Information
Commissioner

**Decision 087/2006 – Ms Elizabeth Marriott and
Glasgow City Council**

*Request for documents relating to a local history research project
proposal*

**Applicant: Ms Elizabeth Marriott
Authority: Glasgow City Council
Case No: 200502662
Decision Date: 25 May 2006**

**Kevin Dunion
Scottish Information Commissioner**

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Decision 087/2006 – Ms Elizabeth Marriott and Glasgow City Council

Request for documents relating to a local history research project proposal. Information not held – information exempt under section 36(1) – confidentiality of communications – information exempt under section 37(1) – court records, etc. Whether section 11(2) obliged the Council to supply information in a format specified by the applicant.

Facts

Ms Marriott made two requests for information (8 and 10 April 2005) relating to the Ladywell local history research project, in which she had been involved. A response to her request was prepared by the Land Services department of Glasgow City Council (the Council). Ms Marriott was sent a number of documents relating to her request of 8 April 2005, but was advised that the Council did not hold information relating to her second request.

After Ms Marriott requested a review of this decision the Council confirmed that it did not hold the documents requested on 10 April 2005. After a wider search was carried out other documents, not previously released to Ms Marriott, were sent to her in connection with her request of 8 April 2005.

Ms Marriott was not satisfied that she had been provided with all information relating to her requests, and applied to the Scottish Information Commissioner for a decision. She also complained that the Council had failed to comply with the Freedom of Information (Scotland) Act 2002 (FOISA) in refusing to supply the information provided in the formats she had specified in her request.

Ms Marriott was, at the time of her requests to the Council and her application to the Commissioner, pursuing legal action against the Council in relation to a disputed contract for work on the Ladywell project. The Commissioner's previous decision (040/2005, Ms Elizabeth Marriott and Glasgow City Council) examined the way the Council dealt with another information request submitted by Ms Marriott on 31 March 2005.



Outcome

The Commissioner found that although there were failings in the way that Ms Marriott's request had initially been dealt with, the searches carried out during the review of the Council's response to her request had been adequate and thorough.

The Commissioner found that where documents had been withheld from Ms Marriott under one of the exemptions in FOISA, the Council was generally justified in doing so. The Commissioner did not uphold the Council's decision in respect of 7 documents, and required the Council to provide Ms Marriott with copies.

The Commissioner found that where the Council had stated that information was not held, it had demonstrated this to be the case.

The Commissioner found that section 11(2) of FOISA did not require the Council to provide Ms Marriott with copies of the information relating to her request in the format she had specified.

Appeal

Should either Ms Marriott or Glasgow City Council wish to appeal against this decision, there is an appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days of receipt of this notice.

Background

1. On 8 April 2005 Ms Marriott wrote to the Council with a request for information to be provided under the Freedom of Information (Scotland) Act 2002 (FOISA). She asked for all documents which had been exchanged between city councillors, council officers, an MSP, the Heritage Lottery Fund, other individuals and herself since 2000, pertaining to certain events. She named the people covered by her request and defined what was meant by "events" in some detail, explaining that the events covered by this request consisted of:
 - The development of the Ladywell Project with the Land Services Senior Project Manager and others



- Efforts to fund research on the history of the Ladywell and Ladywell Street
 - Meetings and contacts with officials at Tennent Caledonian Brewery (Wellpark) to discuss refurbishment of Ladywell Street and the Ladywell as a possible new entrance for a proposed Heritage Centre expansion at the Wellpark Brewery
 - Two contracts prepared in respect of a report on the Ladywell and Ladywell Street history and geology
 - Minutes of meetings at which Ms Marriott, the Ladywell Project and the contract processes were discussed
 - A 14 page report (plus inclusions) commissioned from Ms Marriott and delivered to the Council on 10 July 2004, titled "The Ladywell Project".
2. Ms Marriott submitted a further request on 10 April 2005, asking for minutes from three interdepartmental meetings held in 2004 to discuss her contract for research on the Ladywell.
 3. The Council replied to both requests on 6 May 2005. In relation to the request made on 10 April 2005, the Council informed Ms Marriott that no minutes had been taken at the three meetings specified. A copy of a note taken from one of the meetings was supplied, and the Council stated that the result of the final meeting had been conveyed to Ms Marriott in a letter dated 17 August 2004.
 4. In relation to Ms Marriott's request of 8 April 2005, the Council provided a number of documents from the file on the Ladywell Project.
 5. On 20 May 2005 Ms Marriott asked the Council to review its response to her requests. She complained that the documents provided had not been supplied on CDs formatted for Mac and PC as she had requested, and she listed many documents that she believed the Council to hold and which had not been supplied. She also questioned the statement that minutes had not been taken at the three meetings specified in her request of 10 April 2005.
 6. The Council wrote to Ms Marriott on 21 June 2005 with the results of the review. It upheld the conclusion reached by Land Services staff, that the Council did not hold some of the documents requested. Other documents that had not previously been released to Ms Marriott were sent to her at this time in connection with her request of 8 April 2005, following further searches by the Council. The Council stated that it was not reasonably practicable to supply the documents on CDs formatted for Mac and PC as Ms Marriott had requested, and therefore the Council was not in breach of section 11 of FOISA.



7. Ms Marriott was also advised that some of the information covered by her request could be exempt from disclosure under section 38 of FOISA, as disclosure would breach the Data Protection Principles of the Data Protection Act 1998 (the DPA). The letter provided details of how to make a subject access request under the DPA.
8. Ms Marriott was not satisfied with the Council's response and appealed to me for a decision on the matter on 23 June 2005. In her application she made several complaints:
 - The Council's failure to provide the information on two CDs as requested, or to provide her with an estimated costing for scanning the documents onto CDs
 - The Council's failure to carry out searches in the way she had requested
 - The Council's refusal to advise her how it had searched for the information she had requested
 - The lack of documentation detailing contact between Councillors and Council Officials with interests in the Ladywell Project
9. Ms Marriott also complained that she had asked the Council to attempt to discover if pages removed from a report commissioned from her (and which had been returned to her) had been circulated over the Council's intranet system, and that there was no indication that the Council had carried out this search. This matter falls outside my remit: this decision notice can only consider whether Ms Marriott was provided with all the information she was entitled to under FOISA, and not the use made of information within the Council. The report prepared by Ms Marriott can only be considered within the context of information held or not held by the Council at the time of her request.
10. Ms Marriott also applied to me regarding another information request made to Glasgow City Council on a related matter. This has been considered in a previous decision (040/2005, Ms Elizabeth Marriott and Glasgow City Council).



The investigation

11. Ms Marriott's appeal was validated by establishing that she had made her requests to a Scottish public authority (i.e. Glasgow City Council), and had appealed me only after asking the authority to review its response to her requests.
12. A letter was sent to the Council on 28 September 2005, providing the Council with formal notification that an appeal had been received and that an investigation into the matter had begun.
13. In order to investigate the case, the Council was asked to comment on the issues raised by Ms Marriott in her appeal to me (as summarised above). The Council was also asked:
 - a) Whether information relevant to Ms Marriott's request might be held in any department of the Council apart from Land Services and the Corporate Law section, in which searches had already taken place.
 - b) Whether there had been any search of electronic data within Cultural and Leisure Services apart from a search of one officer's emails, and if not, why this had not been thought necessary.
 - c) Whether documents supplied to my Office and numbered GCC13, GCC14 and GCC29 should have been provided to Ms Marriott under the terms of her request, or whether the Council believed these documents (if relevant to Ms Marriott's request) to be exempt from disclosure under FOISA.
 - d) For documentation relating to the administration and handling of Ms Marriott's requests of 8 and 10 April 2005.
 - e) With regard to Ms Marriott's request of 10 April for minutes of three meetings about her contract, to comment on whether it would be normal practice within the Council to minute such meetings either formally or informally.
 - f) For any other information or comments which would be helpful to the investigation.
14. The Council replied on 18 October 2005 enclosing its Statement of Case together with supporting documentation for the request. Additional information was provided by the Council during the investigation as requested.



The Commissioner's Analysis and Findings

15. The investigation into this case has focused on several separate issues:
- Whether the Council was in breach of section 11(1) of FOISA in refusing to supply information in the format requested.
 - Whether the searches carried out by the Council were adequate to identify all information relevant to Ms Marriott's requests.
 - Whether Ms Marriott has been provided with all information relevant to her request held by the Council and to which she is entitled under FOISA.

The format in which information was provided

16. In her request of 8 April 2005 Ms Marriott had included a "statement of preferred formats as per Section 11 of the Freedom of Information (Scotland) Act 2002". She stated that the preferred physical format would be two CD-Roms, one with contents formatted for use with an Apple iBook using Mac OS X version 10.2.8, and the other with contents formatted for use with the Windows 98 operating system.
17. In its response to her request for a review (letter dated 21 June 2005) the Council explained that all the information requested by Ms Marriott was held in hard copy, and that in light of the volume of information requested it was not reasonably practicable to scan this information and produce two CD-Roms in different formats.
18. In her appeal to me Ms Marriott complained that the Council had ignored her request for information to be sent on two CD-Roms and that the Council had not complied with FOISA in failing to send her an estimated costing for scanning the retrieved documents onto CDs.
19. Where an applicant has expressed a preference for receiving information in a particular format, section 11 of FOISA requires a public authority to provide information to an applicant by those means if it is reasonably practicable for the authority to do so and if the means requested are covered by the list in section 11(2). This list includes "the provision to the applicant, in permanent form or in another form acceptable to the applicant, of a copy of the information" (section 11(2)(a)). In determining what is "reasonably practicable" the public authority can consider all the circumstances, including the cost of providing the information by the means requested.



20. In its letter of 21 June 2005 the Council informed Ms Marriott that in light of the volume of information which was requested, it had decided that it would not be reasonably practicable to scan this information and produce the two CD Roms requested. The Council has since explained to me that it does not use the MacIntosh operating system on its computers and would not be able to create a CD Rom for use with an Apple iBook. It also stated that Ms Marriott's request for a CD Rom "with contents formatted for use with the Windows 98 operating system" did not provide enough information about the file formats required.
21. While I accept that it would not be reasonably practicable for the Council to create a CD Rom formatted for use on a MacIntosh computer, I am less happy to accept the explanation given by the Council for its refusal to provide a CD Rom of the information formatted for Windows 98. A simple enquiry to Ms Marriott would have established what file format was required.
22. However, I note that in her request of 8 April 2005 Ms Marriott had stated that, for physical documents which did not exist in electronic form, she would accept either scanned images in any appropriate format or paper copies. I therefore do not consider that the Council was at fault in providing the information in the form of paper copies.
23. Ms Marriott complained that the Council breached FOISA by failing to issue her with a fees notice detailing the cost of providing information in her preferred format. A public authority is only required to issue a fees notice where the cost of providing the information will exceed £100. In this case the cost of providing paper copies of the information fell below £100. As I have indicated, the Council was entitled to regard paper copies as an acceptable format and, in such a case, there is no requirement in FOISA for a public authority to give an applicant the option of paying the costs of providing information in an alternative and more expensive format.

The searches conducted by Glasgow City Council

24. Ms Marriott has complained about the Council's failure to search for information relating to her request in the way she had specified.
25. In her request of 8 April 2005 Ms Marriott specifically asked for material held locally on individual personal computers and laptop computers, not just on central file servers, and to include copies held on backup media. In its letter of 21 June 2005 the Council described the searches it had carried out and advised Ms Marriott that FOISA did not give the applicant the right to determine how an authority searched to find information.



26. I agree with the Council that FOISA does not confer any rights upon the applicant which would allow them to specify search parameters and procedures when dealing with a request for information. The public authority is responsible for ensuring that searches carried out are adequate and thorough, and will be required to demonstrate this to me should the applicant ask me for a decision on their case. Later in this decision notice I will consider whether the searches carried out in this case were adequate and thorough; however, at this point I would like to note that the searches requested by Ms Marriott seem to me to have been sensible suggestions.
27. In her application for a decision Ms Marriott also voiced concerns that the officers who had denied holding key documents were later responsible for conducting the search. She believed that this prevented the Council from carrying out the unbiased search she expected under FOISA. She took the view that the staff searching for information covered by her request would be acting against their own interests as she was already involved in legal action over a contractual dispute that had involved some of the Council's officers.
28. The Council has confirmed that some searches were carried out by individuals who had been involved in discussions and negotiations with Ms Marriott, while other searches were conducted by staff who had had no contact with her. The Council has pointed out that the files of the officers most involved with the Ladywell project were all passed to one of the Council solicitors for consideration at the review stage: the solicitor concerned had not been involved in the initial negotiations with Ms Marriott. However, the initial response to her request was handled by staff within the Land Services department, including some staff who were involved in the negotiations which had led to her taking legal action against the Council.
29. Clearly, if the Council had been able to deal with Ms Marriott's request without involving any staff with whom she had previously had dealings, there would be a much stronger case for refuting any complaints of inadequacy in the way the searches were carried out. However, I take the view that it would be unreasonable to require public authorities to take this approach as a matter of course. There are obvious advantages in consulting the staff most familiar with the relevant information systems and documents when answering an information request.
30. Nor do I accept that the fact that Ms Marriott had become involved in legal action against the Council necessarily implies that staff who had been involved with the Ladywell project were incapable of acting with professional impartiality in this case, although I can understand her concern. In this case I have examined the Council's search procedures in some detail, and have not found the results to indicate any lack of impartiality among the staff responsible.



31. I will now consider whether the searches carried out for information relating to Ms Marriott's request were adequate and thorough.
32. In her information request of 8 April 2005 Ms Marriott explained that the events covered by her request consisted of the development of a project with the Council's Land Services department. She named several individuals whose communications about the project should be covered by her request, including certain Council officers. The Council officers she named were employed in either the Land Services department or the Culture and Leisure Services department.
33. The initial response to Ms Marriott's request was handled by staff in the Land Services department, who did not forward her request to other departments in the Council involved in her contract negotiations, such as Culture and Leisure Services and Corporate Law. The Council has informed me that this issue has been noted and discussed and, in future, any information requests involving a number of Council departments will be circulated to every department which may hold relevant information.
34. The search was widened during the Council's review of the response to Ms Marriott's request, to include information held by the Land Services, Culture and Leisure Services, and Legal and Administrative Services (which includes Corporate Law) departments. These were understood to have been the only departments involved in the events to which Ms Marriott's request related, and so the other seven service departments of the Council were not included in the search.
35. The Council indicated its willingness to carry out a search within the remaining seven departments, should I deem it necessary. However, after considering the business of those departments I concluded that a search would be unlikely to retrieve relevant information, and would not be a good use of the Council's resources.
36. The terms of Ms Marriott's request of 8 April 2005 are quite specific, in asking for documents exchanged between certain named individuals. I note that the Council has not restricted its searches to those named individuals, or to documents which were "exchanged", but has searched the files of other officials who were involved in Ms Marriott's dealings with the Council. The Council should be commended for taking this approach to information relating to Ms Marriott's request.
37. The Council searched its electronic files using the search term "Elizabeth Marriott". During the investigation Ms Marriott queried why a search had not been carried out under "Ladywell", as she had originally requested. She believed that project documents were filed under that heading.



38. The Council has since carried out an additional search of information held electronically, using "Ladywell" as the search term. This retrieved a mass of documents, but very few related to the Ladywell project and of those, most had already been provided to Ms Marriott. However two additional documents were found to fall within the scope of Ms Marriott's request, which have now been provided to her. Therefore whilst the searches carried out by the Council during the review process were clearly carried out to retrieve information relating to Ms Marriott's request, and generally retrieved most relevant information, they cannot be said to be wholly adequate as an additional search parameter which could have been applied in response to the original request has uncovered additional information which should have been disclosed.
39. Further details about the extent of the searches carried out by the Council and the process followed are to be found in my earlier decision 040/2005 (Elizabeth Marriott and Glasgow City Council).
40. In conclusion, I have found that there were some failings in the Council's initial search for information relating to Ms Marriott's request, as the Council has acknowledged (paragraph 33 above). However, the various searches carried out during the investigation of both this case and the case dealt with in decision 040/2005 have demonstrated to my satisfaction that there was no intent to withhold information from Ms Marriott, except where the Council genuinely considered the information to be exempt under FOISA. Throughout the investigation the Council willingly carried out additional searches and answered questions about the search processes. I am satisfied that an exhaustive search has now been carried out of the relevant files held by the Council in relation to Ms Marriott's request.

Information not retrieved by the search

Minutes of three meetings

41. In her request of 10 April 2005 Ms Marriot asked for the minutes of three interdepartmental meetings in relation to the Ladywell project. The Council informed her that minutes were available for only one of the meetings, and confirmed this statement when reviewing its response to her request. Ms Marriott made no specific complaint about this aspect of the Council's response in her application to me, but made it clear that her application related to both her information requests to the Council. I therefore feel it is appropriate to consider the response to her request of 10 April 2005 in this decision notice.
42. The searches carried out, described previously in this decision notice, did not retrieve any documents which minuted the interdepartmental meetings on 9 June 2004 and 12 August 2004. The Council had already provided Ms Marriott with a note of the meeting on 23 June 2004.



43. The Council has explained to me that it is not prescriptive in determining how officers conduct meetings where the business has been delegated to officer level under the Council's Scheme of Delegated Functions. There is therefore no requirement for formal minutes to be taken at routine business meetings below the level of Council Committees.
44. The Council has no over-arching file retention policy, except in respect of its statutory obligations. If meeting notes are taken there is no requirement for an officer to keep them longer than that officer deems necessary. Therefore, although notes may have been taken at the meetings concerned, it does not follow that those notes were still retained at the time Ms Marriott made her information request.
45. Taking this explanation together with the failure to retrieve any relevant information during the comprehensive searches that have now been carried out, I accept that the Council does not hold minutes for the meetings in question.

Missing copies of a report prepared by Ms Marriott

46. According to the definition provided by Ms Marriott in her request of 8 April 2005, one of the "events" covered by her request was a 14-page report (plus inclusions) titled "The Ladywell Project" which she had delivered to the Council on 10 July 2004. Following her dispute with the Council Ms Marriott had asked for all copies of this report to be returned to her; however, at the time of making her information request she believed that the Council still held copies of this report. She has expressed her concern that the Council's searches have not retrieved any copies.
47. The investigating officer looked at this issue in some detail, taking evidence from both Ms Marriott and from the Council. The Council's position is that the only copy of the report held was lodged as a Production by Ms Marriott's solicitor prior to the legal proceedings about the disputed contract. Ms Marriott has stated that four copies of her report were returned to her, but one copy was missing the main report section. It was documented by a Council officer that another copy was shredded before a witness.
48. Ms Marriott believes that additional copies of her report were likely to have been made within the Council and circulated to various individuals for assessment and comment. However, after studying the documents released and withheld from Ms Marriott, the investigating officer found no references to any additional copies besides those already returned to Ms Marriott. As previously noted, no copies were retrieved during searches of files held in the Land Services and Cultural and Leisure Services departments, where staff involved in assessing the report were based.



49. The fact that the report was a paper document rather than an electronic one limited the search process carried out by the Council. However, the Council has provided evidence that it carried out a search of files held by the officers most closely involved in the Ladywell project with Ms Marriott, without finding any additional copies of the report, or the missing section from one of the copies returned to her. Prior to Ms Marriott's request, officers were told that she wished all copies to be returned to her and were asked about the possibility of additional copies being held by the Council. I am satisfied from the tone of the discussion that there was no intent among those officers to retain copies of the report.
50. On balance, I have accepted the Council's position that it did not hold any complete or partial copies of Ms Marriott's report at the time of her information request. Because the information is paper-based and not held within an electronic filing system it is difficult to be completely certain that a copy does not exist somewhere within the Council. However, I have taken the view that if the information was being held for any identified purpose within the Council, there is a reasonable expectation that it would have been stored among the files searched in relation to Ms Marriott's information request.

Information withheld from Ms Marriott

Information withheld under section 36(1)

51. The Council has withheld several documents on the grounds that the information in them is exempt from disclosure under section 36(1) of FOISA. This exemption can be applied to information about which a claim of confidentiality of communications could be maintained in legal proceedings. It covers advice from a solicitor to a client and information passed by a client to their solicitor. The public authority, as client, has the right to waive confidentiality of communications, and must waive it where it is in the public interest to do so, as this exemption is subject to the public interest test.
52. The documents withheld under section 36(1) of FOISA either contain information communicated between a solicitor and client in a professional context, and therefore deemed to be confidential, or contain legal advice from one of the Council's solicitors to a client department replying to communications from Ms Marriott.
53. As the Council has pointed out, in a previous decision (023/2005, Mr David Emslie and Communities Scotland) I have stated that "There will always be a strong public interest in maintaining the right to confidentiality of communications between legal adviser and client. As a result I am likely only to order the release of such communications in highly compelling cases." The Council stated that no compelling public interest in disclosing the information had been advanced.



54. After examining the contents of the documents withheld I have found that for the most part these were interdepartmental enquiries about the Council's position in the dispute with Ms Marriott and how to express this in correspondence with her. I agree with the Council that in this case the public interest in maintaining the exemption outweighs the limited public interest in the disclosure of the information in these documents.
55. However, I have found that the exemption has been wrongly applied to certain documents withheld from Ms Marriott. I do not accept that every communication from a solicitor within the Council should be withheld under section 36(1). For the exemption to apply to this type of communication, certain conditions must be fulfilled. For example:
- the information being withheld must relate to communications with a legal adviser. I am satisfied that advice from in-house solicitors may be covered by this exemption.
 - the legal adviser must be acting in his/her professional capacity and the communications must occur in the context of his/her professional relationship with his/her client.
 - the privilege does not extend to matters known to the legal adviser through sources other than the client or to matters in respect of which there is no reason for secrecy.
 - the privilege does not extend to communications which relate to fraud or to the commission of an offence.
 - the fact that advice was sought is not necessarily privileged.
 - it is likely that communications are privileged whether or not they relate to pending or contemplated litigation.
56. Some of the documents withheld from Ms Marriott under section 36(1) are entirely administrative in nature, and relate to "matters in respect of which there is no reason for secrecy". I therefore do not accept that the exemption in 36(1) should be applied to this information. I require the Council to provide Ms Marriott with the following documents:
- email 8 September 2004 headed "Elizabeth Marriott", with phone numbers redacted (GCC29(d))
 - documents headed "Invoice" and "2nd invoice", originally supplied to the Council by Ms Marriott (GCC29(d))
 - email 20 February 2004 from Jackie Walker to Catriona Caves headed "Note of meeting with Elizabeth Marriott" (GCC29(d))



- email 28 October 2004 from Ellen McAdam to Jill Miller, headed “RE: Laydwell Project” (GCC29(d))

Information withheld under section 37

57. One document has been withheld under section 37 of FOISA, which exempts information which forms part of a court record. Section 37(1) states:

”(1) Information is exempt information if it is contained in-

- (a) a document-
- (i) lodged with, or otherwise placed in the custody of, a court for the purposes of proceedings in a cause or matter;
 - (ii) served on, or by, a Scottish public authority for the purposes of such proceedings; or
 - (iii) created by a court or a member of its administrative staff for the purposes of, or in the course of, such proceedings;

...

and a Scottish public authority holds the information solely because it is contained in such a document. “

58. The document in question is the Initial Writ served on the Council in respect of legal action by Ms Marriott. I therefore accept that this meets the criteria laid down in section 37(1)(a)(ii). There is no requirement in FOISA to consider the public interest in releasing information which is exempt under section 37, as it is an absolute exemption, and I therefore uphold the Council’s decision not to disclose the information in this document. I believe this document will be available to Ms Marriott through her solicitors.

59. During the investigation an additional document was identified which had been withheld by the Council on the grounds that it was not covered by the terms of Ms Marriott’s request. Ms Marriott had requested “all documents pertaining to the events...” and had gone on to define “documents” as follows:

”This covers:

- electronic files produced for the purpose of being read including documents and emails; and
- printed paper documents including memos, letters, faxes, meeting minutes (including departmental and interdepartmental meetings plus ones with non-council entities) and contracts.”



60. In her request Ms Marriott had stated that her reason for defining certain terms was in order to make the process of dealing with her request as easy as possible. I think it is clear that her definition of “documents” was intended to prompt the Council to search widely for information relating to her request, and was not meant to be an exhaustive list of the types of document which she wished to obtain.
61. The Council has indicated that it will accept my interpretation of Ms Marriott’s request, and will release document GCC13 (Note of work), after redacting information not relevant to her request.

Decision

I find that Glasgow City Council has generally dealt with Ms Marriott’s request for information in accordance with Part 1 of the Freedom of Information (Scotland) Act 2002.

I find that the Council was justified under section 11(2) of FOISA in refusing to provide Ms Marriott with information relating to her request in the format she required.

I find that the initial search carried out for information relating to Ms Marriott’s request should have extended to information held by all departments and officials with an involvement in the Ladywell project. As the Council has acknowledged its intention to change its procedures in this respect, I do not require any action on this point.

I find that the Council correctly applied the exemption in section 37(1) of FOISA to one document withheld from Ms Marriott.

I find that certain documents should not have been withheld under the exemption in section 36(1) of FOISA, and require the Council to provide Ms Marriott with copies of the documents specified in paragraph 56 above. The Council has also agreed to provide Ms Marriott with a copy of document GCC13.

I am obliged to give Glasgow City Council at least 42 days in which to supply Ms Marriott with the information as set out above. In this case, I require the Council to take these steps within two months of the date of receipt of this notice.



Kevin Dunion
Scottish Information Commissioner
25 May 2006