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Our Ref: Review - FOI 2026-096
New Request – FOI 2026-125

Date: 17 April 2026

Freedom of Information (Scotland) Act 2002 (FOISA)

Thank you for your email, received by Scottish Courts and Tribunals Service (SCTS) on 24 March 2026, in which you requested a review of our initial response to your requests of 12 March 2026.

As I was not involved in the handling of your original request, I have looked at the case afresh to establish whether the original response should be confirmed, or whether another decision should be substituted.

Review Request

Your request for review, received on 24 March 2026, was detailed as follows:

I write to request a review of the response to FOI 2026-096.

The review request relates specifically to point 3 of my original request, concerning whether any project, proposal, or discussion has taken place within the last ten years regarding the addition of searchable fields relating to evidential doctrines.

In the response, this part of the request was considered not valid under section 8(1) of FOISA on the basis that it sought confirmation rather than recorded information.

However, the response then went on to state that enquiries had been made with relevant teams and confirmed that no such project, proposal, or discussion had taken place.

For the purposes of clarification, I would ask that this element of the request be reconsidered as a request for any recorded information held by SCTS relating to:

- *internal discussions, correspondence, or notes*
- *project proposals, scoping documents, or planning materials*
- *internal reviews or assessments*

concerning the potential addition of system fields or markers relating to evidential doctrines, including but not limited to Moorov.

If no recorded information is held, I would be grateful for confirmation of that position following appropriate searches.

B) If no such structured outcome/status information is held in the case management system (outside minute text), please confirm this explicitly by issuing a notice under section 17 of FOISA that the information is not held in that form.

In either case, please also clarify what data fields are captured when a section 275 application is “recorded” as an event in the case management system (not the content of any minute, simply the names/types of fields and the list of possible status/outcome values, if any). This is requested to ensure my request targets information that is actually held and retrievable without accessing exempt court minute content.

I have therefore taken the content of your email as your request for review, specifically in relation to point 3 of your request which sought information as follows:

‘3. Confirmation of whether any project, proposal, or discussion has taken place within the last ten years regarding the addition of searchable fields relating to evidential doctrines such as Moorov.’

Original Response – point 3 of FOI 2026-096

In Ms. Bannatyne’s response to this point of your request she explained that under FOISA, public authorities are required to provide access to recorded information held by the authority.

As the framing of point 3 of your request asked SCTS to confirm a position rather than asking for recorded information held – it was explained this was not considered a valid request for information in line with Section 8(1) of FOISA.

To be of assistance however, whilst this point was not considered as a valid FOI request, Ms Bannatyne went on to advise of investigations which were made to establish as to whether any such project, proposal and or discussion had taken place with relevant business areas within SCTS, whom would have involvement in such matters – following which it was confirmed there had been no such project, proposal and or discussion within the last 10 years. This information was also detailed in the original response provided under FOI 2026-096.

Consideration of Review Request

Having considered the original terms of point 3 of your request, the original response provided by Ms Bannatyne in accordance with FOISA legislation, I am satisfied that the request as was initially framed was correctly assessed as not being a valid request under FOISA.

By way of explanation, the Freedom of Information (Scotland) Act 2002 (FOISA) confers a right to obtain recorded information which is held by a public authority at the

time a request for information is received. This right applies to pre-existing information held and does not confer to a right to receive advice or analysis from a public authority.

Questions seeking an opinion do not fall within scope of an FOI request. As explained above, FOISA provides the right to request existing information. It does not provide the right to ask questions, seek an opinion, seek analysis, or oblige a public authority to create information.

Point 3 of your original request was framed as a question which asked SCTS to confirm a position rather than asking for recorded information held. As such it did not seek access to specified recorded information held by SCTS.

I therefore uphold the original response.

With regards to your revised request for information in which you have asked re-consideration of recorded information, I can confirm I have gone on to consider this part of new for which I have detailed a response below.

If you are dissatisfied with the outcome of this review you have the right to appeal to the Scottish Information Commissioner about our decision within six months of the date of this letter. You can contact the commissioner at:

Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St. Andrews
FIFE
KY16 9DS

Or Online:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

Following receipt of the Commissioner's decision, there is scope to submit an 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 the decision notice.

New request for information – FOI 2026-125

Whilst point 3 of your original request for information was not considered a valid request for information in line with Section 8(1) of FOISA, for the reasons explained above, I appreciate you have requested that this point of your request is now reconsidered as a request for recorded information.

For ease please see request detailed below:

'I would ask that this element of the request be reconsidered as a request for any recorded information held by SCTS relating to:

- ***internal discussions, correspondence, or notes***
 - ***project proposals, scoping documents, or planning materials***
 - ***internal reviews or assessments***
- concerning the potential addition of system fields or markers relating to evidential doctrines, including but not limited to Moorov.***

If no recorded information is held, I would be grateful for confirmation of that position following appropriate searches.

B) If no such structured outcome/status information is held in the case management system (outside minute text), please confirm this explicitly by issuing a notice under section 17 of FOISA that the information is not held in that form.'

I have considered this part of your email as a new request for information. Please see response below:

FOI 2026-125

Whilst SCTS does try where possible to provide information requested, I must give notice in terms of Section 17 of FOISA that the requested information is information which the SCTS does not hold.

By way of explanation, having made enquiries with the SCTS Management Information Analysis Team (MIAT) and Executive Director of Court Operations, being the points of contact within SCTS whom would require to be involved and/or consulted in the event that such a project, proposal and/or discussion had taken place – it has been confirmed there has been no such project, proposal, or discussion within the last ten years with regards to the addition of searchable fields relating to evidential doctrines. Accordingly, there is no recorded information held in this regard.

With regards to the last point of your email, detailed as follows:

'please also clarify what data fields are captured when a section 275 application is "recorded" as an event in the case management system (not the content of any minute, simply the names/types of fields and the list of possible status/outcome values, if any). This is requested to ensure my request targets information that is actually held and retrievable without accessing exempt court minute content.'

As this point is a repeat of information you have previously requested, contained within your request for review of SCTS FOI response 2025-509 issued on 02 February 2026, this part of your request is refused in terms of Section 14(2) of FOISA (repeated requests).

Where a Scottish public authority has complied with a request from a person for information, it is not obliged to comply with a subsequent request from that person which is identical or substantially similar unless there has been a reasonable period of time between the making of the request complied with and the making of the subsequent request.

There is no attempt to define a "reasonable period of time" in the legislation, because it will depend on the circumstances. However, the Scottish Information Commissioner advises that considering the following two questions will help public authorities to assess where a reasonable period of time has elapsed:

- (i) Has the information changed?
- (ii) Have the circumstances changed?

The answer to both these questions in the circumstances of your request is 'no'.

Accordingly, this part of your request for information in respect is refused in terms of Section 14(2) of FOISA (repeated request).

Should you feel dissatisfied with this decision or the manner in which your request has been handled, the Act provides for a review process to be conducted. If you wish to take advantage of this process you may apply in writing for a review. Your request should provide details of why you wish a review to be carried out and should be made within 40 working days of receipt of this letter to:-

The Freedom of Information Officer
Scottish Courts and Tribunals Service
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

Following that review should you still feel dissatisfied, you have the right to lodge an appeal with the Scottish Information Commissioner either online:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

or at the following address:-

Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St. Andrews
FIFE
KY16 9DS

Yours sincerely

Norma Parsons
Information & Correspondence Manager