



Freedom of Information (Scotland) Act 2002

2002 asp 13

PART 1

ACCESS TO INFORMATION HELD BY SCOTTISH PUBLIC AUTHORITIES

Right to information

12 Excessive cost of compliance

- (1) Section 1(1) does not oblige a Scottish public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed such amount as may be prescribed in regulations made by the Scottish Ministers; and different amounts may be so prescribed in relation to different cases.
- (2) The regulations may provide that, in such circumstances as they may specify, where two or more requests for information are made to the authority—
 - (a) by one person;
 - (b) by different persons who appear to it to be acting in concert or whose requests appear to have been instigated wholly or mainly for a purpose other than the obtaining of the information itself; or
 - (c) by different persons in circumstances where the authority considers it would be reasonable to make the information available to the public at large and elects to do so,then if the authority estimates that the total cost of complying with both (or all) of the requests exceeds the amount prescribed, in relation to complying with either (or any) of those requests, under subsection (1), section 1(1) does not oblige the authority to comply with either (or any) of those requests.
- (3) The regulations may, in respect of an election made as mentioned in subsection (2)(c), make provision as to the means by which and the time within which the information is to be made available to the public at large.
- (4) The regulations may make provision as to—
 - (a) the costs to be estimated; and

Changes to legislation: Freedom of Information (Scotland) Act 2002, Section 12 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) the manner in which those costs are to be estimated.
- (5) Before making the regulations, the Scottish Ministers are to consult the Commissioner.
- (6) References in this section to the cost of complying with a request are not to be construed as including any reference to costs incurred in fulfilling any such duty under or by virtue of the [^{F1}Equality Act 2010] as is mentioned in section 11(5).

Textual Amendments

- F1** Words in s. 12(6) substituted by 2010 c. 15 Sch. 26 Pt. 2 para. 104 (as inserted) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 1 para. 6** (see S.I. 2010/2317, art. 2)

Commencement Information

- I1** S. 12 wholly in force at 1.1.2005; s. 12 not in force at Royal Assent, see s. 75(1); s. 12 in force for certain purposes at 30.4.2004 and wholly in force at 1.1.2005 by [S.S.I. 2004/203](#), **art. 3**, [Sch.](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 74A inserted by [2023 asp 6 sch. 2 para. 2\(2\)](#)