The Scottish Parliament
Pàrlamaid na h-Alba

Standards, Procedures and Public Appointments Committee

Kenneth Gibson MSP
Chair, Scottish Parliament Corporate Body (SPCB)
The Scottish Parliament

12 November 2026

Dear Kenneth,

Scottish Information Commissioner – Budget provision for 2026/27

On 5 November, the Committee took evidence from the Scottish Information Commissioner on his Annual Report 2025/26. We heard concerning evidence from the Commissioner that his office was grappling with acute financial pressures due to a “massive increase in demand, with new challenges coming to us”.

The Commissioner told us he was engaging with the SPCB to seek additional resources to offset this growing financial burden. Following this session, we agreed to write to the SPCB with a view to informing your budget planning for the upcoming financial year.

Figures in the Annual Report showed an 82% increase in cases in one year alone: from around 550 in 2024/25 to more than 1,100 in 2025-26. The Commissioner told us this had placed an “enormous pressure” on the work of his office. He said early estimates for the forthcoming year indicate this demand will continue to increase.

The Commissioner said this was being driven in part by an increased use of artificial intelligence tools for making requests and appeals, alongside increased public awareness of freedom of information and the work of the Commissioner following high profile cases.

The Commissioner said these financial pressures have persisted despite improvements in his office’s overall performance and productivity in casework. This included introducing a series of reforms to drive greater efficiency and a shift in emphasis towards working with public authorities to prevent demand on Commissioner caseloads.

However, we heard that a lack of resource in itself is hampering some efforts to find more efficiencies. For example, we heard that, while the organisation wanted to shift towards greater early engagement with applicants, in order to “manage expectations, which, we hope, will lead to withdrawal or an applicant coming back with a more focused request” they “cannot do that with our current resources”.

Contact: Standards, Procedures and Public Appointments Committee, The Scottish Parliament, Edinburgh, EH99 1SP. Email sppa.committee@parliament.scot. We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

The Annual Report details that the Commissioner has secured additional funding from the SPCB for an initial period of 12 months, to establish a dedicated intervention function. The Commissioner said this meant he could employ two dedicated intervention officers. We heard that since their appointment last June, “we have already managed to cut the number of failures to respond by 43 per cent in comparison to last year”. We heard from an official that “If there is funding to allow that to continue, I am sure it will carry on being effective”.

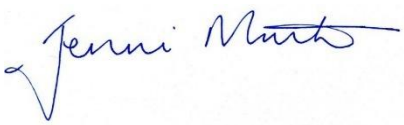
The Annual Report highlights other budget lines that have risen significantly over the past year. This includes the Commissioner’s legal costs, which have increased from £6,000 in 2024-25 to £112,000 in 2025-26, due to an increase in Court of Session hearings relating to referrals by information requesters and public authorities.

We asked the Commissioner to sum up how his work may be impacted without additional resources. He told us that “the system will fail if we are not properly resourced” which would directly impact people’s right to access their right to freedom of information.

The Committee is concerned by this evidence and the implications for freedom of information in Scotland if the Commissioner’s office is not sufficiently resourced to reflect a changing environment and we urge the SPCB to reflect carefully upon it in its budget planning. We are particularly troubled by the Commissioner’s assessment that his capacity to undertake his core functions in promoting transparency and accountability of public authorities would be limited. This could have damaging consequences on the rights of individuals to access information in the public interest, which is fundamental to public trust in our democratic process.

We ask the SPCB to consider this evidence as it progresses its annual budget negotiations. In particular, the Committee recommends that the welcome additional funding the SPCB provided last year to support intervention is retained and integrated going forward into baseline funding for the Commissioner’s office.

Yours sincerely,



Jenni Minto MSP
Convener