



Scottish Information  
Commissioner  
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# Decision Notice 015/2024

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## Preparations for the visit of Pope Francis I to the COP26 conference

**Authority: Glasgow City Council**  
**Case Ref: 202200468**

### Summary

The Applicant asked the Authority for information relating to preparations for the visit of Pope Francis I to the COP26 conference. The Authority informed the Applicant it did not hold the information. The Commissioner investigated and was satisfied the Authority did not hold the information requested.

### Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2) and (4) (General entitlement); 17(1) (Notice that information is not held); 47(1) and (2) (Application for decision by Commissioner)

The full text of each of the statutory provisions cited above is reproduced in Appendix 1 to this decision. The Appendix forms part of this decision.

### Background

1. On 1 January 2022, the Applicant made a request for information to the Authority. They asked for:
  - A copy of all preparations made by the Council to have welcomed Pope Francis I upon his planned visitation of Divine Mercy to the city.
  - A copy of all preparations by the Council to have accommodated the Holy Father's desire to have said a Roman Catholic mass with the distribution of the Divine Mercy of

The Sacrament Of The Eucharist to the city during the Global Climate Change Summit.

- A copy of all preparations by the Council to have provided Pope Francis I a pleasant departure upon his leaving the city his Divine Mercy for us all.

Between 12/8/2021 – 12/11/2021.

2. The Authority responded on 24 January 2022 with a notice, under section 17(1) of FOISA, that it did not hold the information requested. The Authority explained that it held no information relating to preparations for the arrival of Pope Francis I to attend the COP26 conference (or to his departure), or for a Roman Catholic mass to be said during the Global Climate Change Summit, and that neither was that information held by anyone else on its behalf.
3. On 1 February 2022, the Applicant wrote to the Authority, requesting a review of its decision. The Applicant stated that they were dissatisfied with the decision because they found it hard to believe that the Authority does not hold information relating to Pope Francis I's visit and that they believed it did hold that information.
4. The Authority notified the Applicant of the outcome of its review on 22 February 2022, upholding its original decision for the reasons previously stated.
5. On 24 April 2022, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. The Applicant stated that they were dissatisfied with the outcome of the Authority's review because they believe it did hold the information requested, and if any information was found as being held by the Authority they asked that it be ordered to be disclosed.

## **Investigation**

6. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.
7. On 1 July 2022, the Authority was notified in writing that the Applicant had made a valid application and the case was allocated to an investigating officer.
8. Section 49(3)(a) of FOISA requires the Commissioner to give public authorities an opportunity to provide comments on an application. The Authority was invited to comment on this application, which it did.

## **Commissioner's analysis and findings**

9. The Commissioner has considered all of the submissions made to him by the Applicant and the Authority.

### ***Section 17(1) – Notice that information is not held***

10. Section 1(1) of FOISA provides that a person who requests information from a Scottish public authority which holds it is entitled to be given that information by the authority, subject to qualifications which, by virtue of section 1(6) of FOISA, allow Scottish public authorities to

withhold information or charge a fee for it. The qualifications contained in section 1(6) are not applicable in this case.

11. The information to be given is that held by the authority at the time the request is received, as defined in section 1(4) of FOISA. This is not necessarily to be equated with information an applicant believes the authority should hold. If no such information is held by the authority, section 17(1) of FOISA requires it to give the applicant notice in writing to that effect.
12. The standard of proof to determine whether a Scottish public authority holds information is the civil standard of the balance of probabilities. In determining where the balance lies, the Commissioner must first of all consider the interpretation and scope of the request and thereafter the quality, thoroughness and results of the searches carried out by the public authority.
13. The Commissioner also considers, where appropriate, any reason offered by the public authority to explain why it does not hold the information. Ultimately, however, the Commissioner's role is to determine what relevant recorded information is actually held by the public authority (or was, at the time it received the request).

#### *The Authority's submissions*

14. The Authority explained that the information requested by the Applicant did not exist because there was, in fact, no planned visit of Pope Francis I to the COP26 conference.
15. The Authority noted that there were media reports stating that Pope Francis I *may* attend the COP26 conference but there were no plans made confirming this.
16. The Authority explained that it contacted three of its senior officers – the Head of Communications and Strategic Partnerships, the Head of Corporate Policy and Governance and the Head of City Services, Parks and Major Events – when it first received the Applicant's request, as those officers were responsible within the Authority for delivering COP26.
17. The Authority stated that each of the above officers conducted searches of their mailboxes, the only place where the information requested would be shared and stored, using the terms "papal" and "pope" but no results were yielded.
18. The Authority reiterated that no results were yielded because the attendance of Pope Francis I was never confirmed and, as such, no preparations were made for his attendance, which meant that it held no information falling within the scope of the Applicant's request.

#### *The Applicant's submissions*

19. The Applicant stated they found it hard to believe that the Authority did not hold the information they requested, that they believed it did hold the information and that the information should be disclosed to them.

#### *The Commissioner's view*

20. Given the explanations and submissions provided, the Commissioner accepts that the Authority took adequate and proportionate steps in the circumstances to establish if the information was held and he is satisfied that it does not (and did not, on receipt of the request) hold the information requested by the Applicant.

21. The Commissioner also notes that the [BBC reported on 8 October 2021](#)<sup>1</sup> that Pope Francis I would not travel to the COP26 conference and that Pope Francis I's attendance had never been confirmed by the Vatican.
22. While the Applicant believed and expected the specified information to be held by the Authority, the Commissioner is satisfied that this was not the case.
23. The Commissioner therefore concludes that the Authority was correct to give the Applicant notice, in terms of section 17(1) of FOISA, that it did not hold the information requested.

## **Decision**

The Commissioner finds that the Authority complied with Part 1 of the Freedom of Information (Scotland) Act 2002 in responding to the information request made by the Applicant.

## **Appeal**

Should either the Applicant or the Authority wish to appeal against this decision, they have the right to 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 this decision.

**Euan McCulloch**  
**Head of Enforcement**

**31 January 2024**

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<sup>1</sup> [COP26: Pope will not travel to Glasgow for climate summit - BBC News](#)

## Appendix 1: Relevant statutory provisions

### Freedom of Information (Scotland) Act 2002

#### 1 General entitlement

- (1) A person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority.
- (2) The person who makes such a request is in this Part and in Parts 2 and 7 referred to as the “applicant.”
- ...
- (4) The information to be given by the authority is that held by it at the time the request is received, except that, subject to subsection (5), any amendment or deletion which would have been made, regardless of the receipt of the request, between that time and the time it gives the information may not be made before the information is given.
- ...

#### 17 Notice that information is not held

- (1) Where-
  - (a) a Scottish public authority receives a request which would require it either-
    - (i) to comply with section 1(1); or
    - (ii) to determine any question arising by virtue of paragraph (a) or (b) of section 2(1),if it held the information to which the request relates; but
  - (b) the authority does not hold that information,it must, within the time allowed by or by virtue of section 10 for complying with the request, give the applicant notice in writing that it does not hold it.
- ...

#### 47 Application for decision by Commissioner

- (1) A person who is dissatisfied with -
  - (a) a notice under section 21(5) or (9); or
  - (b) the failure of a Scottish public authority to which a requirement for review was made to give such a notice.may make application to the Commissioner for a decision whether, in any respect specified in that application, the request for information to which the requirement relates has been dealt with in accordance with Part 1 of this Act.
- (2) An application under subsection (1) must -
  - (a) be in writing or in another form which, by reason of its having some permanency, is capable of being used for subsequent reference (as, for example, a recording made on audio or video tape);

- (b) state the name of the applicant and an address for correspondence; and
- (c) specify –
  - (i) the request for information to which the requirement for review relates;
  - (ii) the matter which was specified under sub-paragraph (ii) of section 20(3)(c);  
and
  - (iii) the matter which gives rise to the dissatisfaction mentioned in subsection (1).