

## **UCL Information Policy Seminar 19th February 2009**

The Good, the Bad and the Ugly: vexatious requests

The Information Commissioner's perspective

### **Relevant ICO decisions – use of section 14(1) by the public authority upheld by the ICO**

- West Midlands Passenger Transport Executive - FS50110741
- East Riding of Yorkshire Council - FS50154968
- Dr A R Daitz & Dr Tessa Buckman - FS50170171 & FS50170245
- Cheshire Constabulary - FS50157445

### **Relevant ICO decisions – use of section 14(1) by the public authority not upheld by the ICO**

- North Down Borough Council - FS50075947
- Maidstone and Tunbridge Wells NHS Trust - FS50120313

### **Relevant ICO decisions – use of section 14(1) by the public authority partly upheld by the ICO**

- Birmingham City Council - FS50078594

### **Information Tribunal decisions – section 14**

- Betts v ICO EA/2007/0109
- Gowers v ICO EA/2007/0114
- Coggins v ICO EA/2007/0130
- Welsh v ICO EA/2007/0088
- Hossack v ICO EA/2007/0024

### **Information Tribunal decision – regulation 12(4)(b) request for information is manifestly unreasonable**

- Carpenter v ICO EA/2008/046

### **Guidance for public authorities**

The Commissioner will consider the context and history of the request as well as the strengths and weaknesses of both parties' arguments in relation to some or all of the following five factors to reach a reasoned conclusion as to whether a reasonable public authority could refuse to comply with the request on the grounds that it is vexatious:

1) whether compliance would create a significant burden in terms of expense and distraction

- 2) whether the request is designed to cause disruption or annoyance
- 3) whether the request has the effect of harassing the public authority or its staff
- 4) whether the request can otherwise fairly be characterised as obsessive or manifestly unreasonable
- 5) whether the request has any serious purpose or value

Vexatious requests – a short guide

[http://www.ico.gov.uk/upload/documents/library/freedom\\_of\\_information/practical\\_application/vexatious\\_requests\\_a\\_short\\_guide.pdf](http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_application/vexatious_requests_a_short_guide.pdf)

Full guidance - Vexatious or repeated requests

[http://www.ico.gov.uk/upload/documents/library/freedom\\_of\\_information/practical\\_application/awareness\\_guidance\\_22\\_vexatious\\_and\\_repeated\\_requests\\_final.pdf](http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_application/awareness_guidance_22_vexatious_and_repeated_requests_final.pdf)

### **Guidance for requesters**

ICO Charter for responsible requests

[http://www.ico.gov.uk/for\\_the\\_public/access\\_to\\_official\\_information.asp](http://www.ico.gov.uk/for_the_public/access_to_official_information.asp)