Information Commissioner's Office

Upholding information rights

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
T. 0303 123 1113 F. 01625 524510
www.ico.org.uk

Mr Alan Dransfield
Via email only to: alanmdransfield@gmail.com

DATE: 15 March 2018

Dear Mr Dransfield

FS50700840 – Greater London Authority
FS50702695 – Information Commissioner's Office
FS50716487 – Ministry of Justice
FS50719510 – London Legacy Development Corporation
FS50719521 – Cheshire West and Chester Council

I refer to the above cases in which you have applied to the Information Commissioner's Office for decisions about the named public authorities' handling of your freedom of information requests to them.

In accordance with section 50 of the Freedom of Information Act 2000 ("the Act") you have applied to the Commissioner asking her to consider whether or not these public authorities were correct in refusing to comply with your freedom of information requests.

Section 50(2)(c) of the Act provides that the Commissioner may refuse to deal with an application made to her under section 50 of the Act if it appears to her that the application is frivolous or vexatious.

The application of section 50(2)(c) of the Act has similarities to section 14(1), under which a public authority is not obligated to deal with a request which is found to be vexatious. If section 50(2)(c) is engaged, the

Commissioner is not required to make a decision in response to a complainant's application.

In assessing whether section 50(2)(c) of the Act is engaged in relation to a given application, the Commissioner will take into account both the complainant's apparent purpose and the effect of handling an application, whether or not such effects are intended. It is not necessary to demonstrate both intent and effect; if the effect alone is unwarranted, that may be sufficient reason for the Commissioner to decide that an application appears frivolous and/or vexatious.

In deciding whether an application engages section 50(2)(c), the Commissioner must consider the effect that dealing with such an application will have, both in relation to her own duty to make effective use of her resources, and in ensuring that both her office and the Act itself are not brought into disrepute by progressing applications which, for whatever reason, do not justify serious consideration.

The Commissioner will also consider whether an application has no serious intent, or may otherwise be considered unworthy of serious treatment. As with section 14 of the Act, the Commissioner will have regard to the circumstances surrounding an application.

The Commissioner has now considered your applications for decisions set out above. I am writing to advise you that is the Commissioner's conclusion that section 50(2)(c) is engaged by each of the applications you have made because they are frivolous and/or vexatious. Accordingly, the Commissioner will not be dealing with your applications and will not be making a decision in relation to them. The reasons for reaching these conclusions are as follows:

You are a frequent and experienced user of the Act, albeit one who corresponds with both this office and others in frequently intemperate or derogatory terms. You have made a considerable number of requests to a range of public authorities, including to this office. The number of complaints you have brought to this office runs well into three figures and

you have asked for, and been given, decision notices in relation to a number of your requests, some of which you have pursued on appeal in the Tribunal and Higher Courts, most notably to the Court of Appeal in the case of *Dransfield v Information Commissioner & Devon County Council* (C3/2013/1855).

In that case the Court of Appeal found against you and you were refused permission to appeal to the Supreme Court. However, despite having had your case heard in the senior courts, and having definitively reached the end of the appeals process, you have consistently and repeatedly refused to accept the conclusion that the Court of Appeal reached in your case. You consistently refer to that ruling as *"the Dransfield Vexatious BS Court Precedent"*. Despite their Ladyships' judgment being good and binding case law, you consistently deny its validity and maintain that it is wrongly used as cover for what you allege, without evidence, is corruption and malpractice.

Over a period of some years, you have levelled serious allegations of misconduct against a number of the Commissioner's staff. In recent correspondence, you go beyond this, saying that the Commissioner's reliance upon clear and legally binding precedents is simply intended *"to cover up heinous crimes"* and is *"demonstrable concrete evidence"* that the Commissioner in person is *"perverting the course of Justice"*. You have stated, in terms, that you consider the Commissioner personally is *"a lying cheating thieving scoundrel"*.

You have published those intemperate and wholly unsubstantiated allegations to a number of media outlets. That is defamatory.

Whilst making information requests and pursuing matters through the appropriate statutory mechanisms is an entirely proper exercise of rights, making consistently defamatory statements about named individuals and entirely refusing to accept the proper and final outcome of the statutory and judicial process you are engaged in, is not. Rather, in the Commissioner's assessment, it is clear evidence that you are either wholly

disinclined, or wholly unable, to engage in the FOI request and appeals process in a manner which remains within acceptable bounds of conduct.

Furthermore, in *Dransfield v Information Commissioner & Devon County Council* (C3/2013/1855), the Court of Appeal found against you. It awarded costs against you and made an order on 14 May 2015 that you meet the ICO's costs of the appeal in the sum of £2880.00.

To date, in addition to refusing to accept the validity of the Court of Appeal's ruling, you have failed to comply with the costs order and, despite correspondence, have failed to make meaningful proposals to do so. Indeed, you initially indicated that that you were refusing to pay the costs ordered before offering to discharge your liability at the rate of 50 pence per week. This was a clearly risible offer.

Despite this, this office responded in a conciliatory manner, by proposing a modest payment schedule of £100 per month, as opposed to simply seeking to enforce the costs order against you in full at that point. You have rejected this proposal but not made any counter offer. Consequently, and despite the Commissioner's best endeavours, no agreement has been reached as to how you intend to discharge your legal obligations. You remain liable for the principle sum of the costs order, plus interest which is accruing.

Accordingly, it appears to the Commissioner that whilst you are fully willing to exercise your rights under the Act, you are entirely disinclined or unprepared to accept your concomitant responsibilities under the legislation.

In the Commissioner's analysis it appears that your unwillingness to accept the Court of Appeal's judgment, your failure to comply with the outstanding costs order made against you and your repeated and continued use of derogatory and defamatory language is clearly indicative of your refusal to engage in a meaningful, responsible and civil manner with the statutory and the judicial process provided for by Parliament under the Act.

Given this history, the Commissioner has concluded that you have no desire or intention to engage meaningfully and responsibly in the statutory process provided for by the Act. In the absence of evidence to the contrary, the Commissioner must conclude that, should the circumstances which gave rise to the costs order in *Dransfield v Information Commissioner & Devon County Council (C3/2013/1855)* arise again, you would again refuse to acknowledge or accept your responsibilities and would seek to avoid the liabilities placed upon you by the Court.

In the Commissioner's analysis, your consistent and demonstrable refusal to engage with the entire FOI process in a meaningful and responsible manner – as opposed to simply those elements which suit you – means that the applications you have made and which are listed above will be approached by you in the same manner. As such, they appear to the Commissioner to be frivolous for the purposes of section 50(2)(c) of the Act.

Likewise, your consistent and demonstrable refusal to engage in the FOI process in a civil manner which refrains from insulting derogatory and defamatory language, which is again evidenced in the applications you have made, means that those applications appear to the Commissioner to be vexatious for the purposes of section 50(2)(c) of the Act.

In all the circumstances, accepting such applications from you under section 50 of the Act would, in the Commissioner's view, risk harming the reputation of both the Commissioner's office and the legislation she regulates. It would amount to an inappropriate use of the ICO's resources and it would be incongruous to continue to accept applications from a complainant under section 50 of the Act when that individual has singularly refused to comply with an adverse costs order arising from earlier litigation arising from a decision notice issued under section 50 of the Act.

Consequently the Commissioner has concluded that the applications listed above appear to her to be frivolous and/or vexatious for the purposes of section 50(2)(c) of the Act. Accordingly, the Commissioner will not be

issuing a decision in relation to those applications and the cases will be closed at this stage.

It is important to stress that the Commissioner does not refuse to decide an application made to her under section 50 lightly. She is, however, entirely satisfied that refusing to decide your applications in these cases is wholly proportionate and reasonable in all of the circumstances.

These decisions to refuse to deal with your applications because they appear to the Commissioner to engage section 50(2)(c) of the Act are final and are not subject to further internal review.

Nevertheless, if you discharge your outstanding costs liabilities (or take reasonable and sustained steps to do so) and you provide your formal written commitment to engage in a civil and responsible manner with this office, in terms satisfactory to the Commissioner, her decisions in these cases may be revisited.

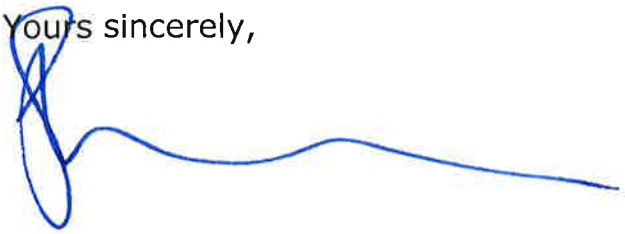
Should you wish to challenge the Commissioner's decisions in any of these cases, it is open to you to seek judicial review in the Administrative Court. There are strict time limits to seeking such a review and if you intend to do so, we would recommend that you seek independent legal advice without delay, specifically drawing your legal adviser's attention to the date of this email.

You are also entitled to complain to the Parliamentary and Health Service Ombudsman. In order to pursue such a complaint, you should contact your local constituency MP.

Finally, in correspondence on case reference FS50702695, you state that you wish to formally complain about Mrs Clements for failing to address your *"serious complaints of wrongdoing by Senior ICO Officials"*. I have examined your complaint and can find no basis for upholding it – Mrs Clements has simply corresponded with you in the usual course of business and you have failed to provide any substantiation, other than you own bald assertion, for the serious allegations that you raise. In the context of your

consistent course of dealing with this office, I have concluded that your approach in this matter is a further indication of the vexatious and/or frivolous nature of your wider interaction with this office. Accordingly, having considered your complaint, I am dismissing it and it will not be considered further.

Yours sincerely,



Adam Sowerbutts

Head of Freedom of Information Complaints and Appeals
The Information Commissioner's Office