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Ministry of Defence

Case Ref: FS50474438

Date: 09/10/2013

Summary: The complainant requested information to evidence how the public authority had reached its conclusions when dealing with one of his information requests; the public authority determined the request to be 'vexatious' under section 14(1) of the FOIA. The Commissioner has concluded that the request was not 'vexatious' and he requires the public authority to issue a fresh response.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50474438](#)

Financial Conduct Authority

Case Ref: FS50488531

Date: 08/10/2013

Summary: The complainant made a request to the Financial Services Authority ("FSA") for any information it may hold in relation to financial recoveries made by the Receivers who had been appointed to a company in which the complainant had a substantial financial interest and was also the company Chairman. The complainant had made three previous requests between March 2008 and January 2010 in respect of matters broadly connected with this latest request and 3 additional requests for similar information had been made by two separate Members of Parliament. The FSA advised the complainant that it would not respond to the latest request as it dealt with substantially the same issues as the previous requests and was both vexatious under section 14(1) of the FOIA and repeated under section 14(2) of the FOIA. The Commissioner's decision is that the FSA has correctly applied section 14(1) and (2) to the request. There are no further steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50488531](#)

Essex County Council

Case Ref: FER0492364

Date: 08/10/2013

Summary: The complainant has requested information from Essex County Council ("the council") about chilli powder that was found to be contaminated with the illegal food colour 'Sudan 1'. The council refused the complainant's request citing section 14(1) of the Freedom of Information Act 2000 ("the FOIA"). This exclusion relates to vexatious requests. The Commissioner's decision is that the council has correctly refused the request as vexatious. However, the Commissioner identified that the refusal should have relied upon regulation 12(4)(b) of the Environmental Information Regulations ("the EIR"), which provides an exception for manifestly unreasonable requests. He requires no steps to be taken by the council.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FER0492364](#)

Steyning Parish Council

Case Ref: FER0490442

Date: 08/10/2013

Summary: The complainant has requested information relating to a planning process that is taking place for a local skate park. Steyning Parish Council (the council) has refused to respond to the request relying on regulation 12(4)(b) of the EIR deeming it to be manifestly unreasonable. The Commissioner's decision is that the council has breached regulation 14(5)(a) of the EIR in failing to advise the complainant of his right to make representation to the public authority under regulation 11 of the EIR in its refusal notice. He does not require any steps to be taken in this case, but the council should ensure there is no repetition of this breach. The Commissioner has then gone on to conclude that the council have correctly relied on regulation 12(4)(a) of the EIR. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0490442](#)

Stockport Metropolitan Borough Council

Case Ref: FS50493287

Date: 03/10/2013

Summary: The complainant has requested information relating to Vale View Primary School's Lightning Protection System results and a copy of the school's Lightning Risk Assessment. Stockport Metropolitan Council ('the council') refused the request as vexatious under section 14(1) of the FOIA. The Commissioner's decision is that the council has correctly applied the vexatious

provision at section 14(1) of the FOIA. He does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50493287](#)

Hillingdon Hospitals NHS Foundation Trust

Case Ref: FS50504557

Date: 30/09/2013

Summary: The complainant requested information about complaints to Hillingdon Hospitals NHS Foundation Trust ('the Trust'). The Trust refused to comply with the request as it considered it vexatious under section 14(1) of the Freedom of Information Act. The Commissioner's decision is that the Trust has correctly applied section 14(1) in this case and is not obliged to comply with the request. The Commissioner does not require the Trust to take any steps.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50504557](#)

Shotteswell Parish Council

Case Ref: FS50493045

Date: 26/09/2013

Summary: The complainant has requested a copy of Shotteswell Parish Council's insurance documents and a copy of an inspection report from July 2011 and associated correspondence relating to a children's play area. Shotteswell Parish Council ('the council') council initially provided some information but the complainant alleged that more was held. The council then applied section 14 to the request as it considered it to be vexatious. The Commissioner's decision is that the council has correctly applied section 14 to the request. He does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50493045](#)

Davenham Parish Council

Case Ref: FS50480816

Date: 23/09/2013

Summary: The complainant has requested information relating to the ownership of land during the 1940s and 1950s by Davenham Parish Council ('the council'). The council refused to comply with the request as it considered it to be vexatious and repeated under section 14(1) and 14(2) of the Freedom of Information Act ('the FOIA'). The Commissioner's decision is that the council has correctly refused the request on the grounds that it is vexatious under

section 14(1) of the FOIA, but should also have cited regulation 12(4)(b) of the Environmental Information Regulations. He requires no steps to be taken by the council.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FS50480816](#)

Department for Work and Pensions

Case Ref: FS50493763

Date: 18/09/2013

Summary: The complainant made 52 requests relating to Jobcentre Plus. The Department for Work & Pensions (DWP) refused the requests under s14 FOIA as they were considered vexatious. The Commissioner's decision is that the requests are vexatious and so s14 was applied correctly. The DWP is therefore not obliged to comply with these requests.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50493763](#)

Redbridge London Borough Council

Case Ref: FS50492112

Date: 17/09/2013

Summary: The complainant has requested information about child protection from the London Borough of Redbridge (the 'Council'). The request was refused on the basis that the Council deemed it vexatious in accordance with section 14(1) of FOIA. The Information Commissioner's decision is that the Council has properly deemed this request vexatious. He does not require the Council to take any steps.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50492112](#)

New Forest National Park Authority

Case Ref: FER0477520

Date: 12/09/2013

Summary: The complainant, on behalf of a planning consultancy, submitted a request to New Forest National Park Authority (the NPA) for two documents about a particular planning appeal. The NPA refused to disclose this information on the basis of regulation 12(4)(b) (manifestly unreasonable) and regulation 12(4)(d) (material still in the course of completion, unfinished documents and incomplete data). The Commissioner has concluded that regulation 12(4)(b) is not engaged and although regulation 12(4)(d) is engaged the public interest favours disclosing the requested information. The

Commissioner requires the public authority to disclose to the complainant a copy of the 'Rule 6 statement' and 'Statement of Case' which he requested on 20 July 2012.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Upheld, EIR 12.4.d - Complaint Upheld

[View a PDF of decision notice FER0477520](#)

Weaverham Parish Council

Case Ref: FS50492566

Date: 10/09/2013

Summary: The complainant has requested all documents pertaining to the purchase and upkeep of a range of sites owned by Weaverham Parish Council ("the council"). The council refused to comply with the request as it considered it to be vexatious under section 14(1) of the Freedom of Information Act ("the FOIA"). The Commissioner's decision is that the council has correctly applied section 14(1) of the FOIA, but should also have cited regulation 12(4)(b) of the Environmental Information Regulations ("the EIR"). He requires no steps to be taken by the council.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FS50492566](#)

Department for Transport

Case Ref: FS50494861

Date: 10/09/2013

Summary: The complainant requested information from the Department for Transport (DfT) about airport security scanners. The Commissioner considers that this request relates to similar matters dealt with in previous decision notices. The analysis and conclusions reached in the previous notices are applicable in this instance, and are supported by a new analysis using updated guidance. The Commissioner's decision is that the DfT was correct to deem the request considered here as vexatious for the purposes of section 14(1) of the FOIA. Furthermore, the Commissioner has concluded that under section 17(6) of the FOIA (further refusal notice not required) the DfT was entitled not to issue a refusal notice in respect of the request. In view of the above, he does not require the DfT to take any further action.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Not upheld

[View a PDF of decision notice FS50494861](#)

West Felton Parish Council

Case Ref: FS50493150

Date: 09/09/2013

Summary: The complainant made six different information requests between 30 June 2012 and 10 November 2012. West Felton Parish Council (council) refused to respond to the requests relying on section 14(1) of the FOIA as they deem the requests to be vexatious. The Commissioner's decision is that the council is correct to rely on section 14(1) of the FOIA not to respond to the six requests. However, the Commissioner has found that the council has breached section 10 of the FOIA as they did not provide a response within the required timeframe. The Commissioner does not require the council to take any steps.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50493150](#)

South Staffordshire Council

Case Ref: FS50489439

Date: 09/09/2013

Summary: The complainant has made various information requests to South Staffordshire Council (council) connected to planning, plans and greenbelt boundaries. The council refused to respond to the requests relying on section 14(1) of FOIA as they deemed the requests to be vexatious. The Commissioner decided that the council should have considered the requests under both the FOIA and the EIR. The Commissioner therefore considered the application of the equivalent exception under the EIR, regulation 12(4)(b), which relates to manifestly unreasonable requests. The Commissioner's decision is that the council were correct to rely on section 14(1) of the FOIA, and that regulation 12(4)(b) is also engaged. The Commissioner does not require the council to take any steps.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FS50489439](#)

Department for Work and Pensions

Case Ref: FS50493153

Date: 04/09/2013

Summary: The complainant has requested the Department for Work and Pensions (DWP) to answer 17 questions relating to ongoing issues and complaints he has made concerning claims for job seekers allowance. The DWP refused to comply with the request as it considers it is vexatious under section 14 of the Freedom of Information Act (FOIA). The Commissioner's decision is that the DWP has correctly applied section 14 of the FOIA in this case. It was not therefore obliged to comply with the request. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50493153](#)

Department for Communities and Local Government

Case Ref: FS50482167

Date: 28/08/2013

Summary: The complainant has requested information relating to how the Department for Communities and Local Government ('DCLG') responded to an earlier request for information. The Commissioner's decision is that DCLG correctly engaged the exemptions at sections 36(2)(b)(i) and 36(2)(b)(ii) but in all the circumstances of the case, the public interest in disclosure outweighs the public interest in maintaining the exemption. The Commissioner requires the public authority to disclose the information withheld under sections 36(2)(b)(i) and 36(2)(b)(ii) to ensure compliance with the legislation.

Section of Act/EIR & Finding: FOI 36 - Complaint Upheld

[View a PDF of decision notice FS50482167](#)

Prestatyn Town Council

Case Ref: FS50485764

Date: 27/08/2013

Summary: The complainant requested minutes and reports considered at meetings of Prestatyn Town Council ('the Council') for a particular period of time. The Council initially refused the request under section 21 of the FOIA and also asked the complainant if she wished to refine her request. At the time of internal review, the Council stated it was relying on sections 12, 14 and 39 of the FOIA. During the course of the Commissioner's investigation, the Council withdrew reliance on sections 12, 14 and 39 and stated it was relying on sections 21 for some information and section 1(3)(a) and (b) for other information. The Council reviewed its stance again during the Commissioner's investigation and confirmed its final position was that it did not hold some of the requested information, and it considered other information exempt under sections 21, 22, 40, 41, 42 and 43 of the FOIA. The Commissioner's decision is that the Council does not hold some of the information requested, sections 21 and 40(2) apply to some of the requested information, and the exemptions at sections 22, 41, 42 and 43 are not engaged. The Commissioner requires the public authority to disclose documents 3 and 5.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld, FOI 21 - Complaint Not upheld, FOI 22 - Complaint Upheld, FOI 40 - Complaint Not upheld, FOI 41 - Complaint Upheld, FOI 42 - Complaint Upheld, FOI 43 - Complaint Upheld

[View a PDF of decision notice FS50485764](#)

University Hospitals Bristol NHS Foundation Trust

Case Ref: FS50471080

Date: 21/08/2013

Summary: The complainant has requested various information relating to the University Hospitals Bristol NHS Foundation Trust's (the Trust) histopathology/pathology services. The Trust refused to comply with the request as it considered it 'vexatious' under section 14 of the Freedom of Information Act (FOIA). The Commissioner's decision is that the Trust has correctly applied section 14 FOIA in this case. It is not therefore obliged to comply with the request. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50471080](#)

Office for National Statistics

Case Ref: FS50490290

Date: 15/08/2013

Summary: The complainant has requested information relating to the Office of National Statistics's (ONS) development of an 'in-house' records management system. The Commissioner's decision is that ONS has provided the complainant with all of the information it holds relevant to the scope of the requests. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50490290](#)

Monmouthshire County Council

Case Ref: FER0490575

Date: 14/08/2013

Summary: The complainant requested information about the possible development of a particular site. Monmouthshire County Council ('the Council') refused to comply with the request on the basis that it was manifestly unreasonable for the purposes of regulation 12(4)(b) of the EIR. The Commissioner's decision is that the request is not manifestly unreasonable and the exception is not engaged. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: issue a fresh response under the EIR without relying on regulation 12(4)(b). The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Upheld

[View a PDF of decision notice FER0490575](#)

Calderdale and Huddersfield NHS Foundation Trust

Case Ref: FS50491650

Date: 12/08/2013

Summary: The complainant has requested a copy of a report produced by West Yorkshire Audit Consortium under reference CFCHFT 01/2013 - First Ref NYRT 11/00158. Calderdale and Huddersfield NHS Trust (the Trust) provided the complainant with the requested report but made redactions under section 40(2) of the Freedom of Information Act 2000 (FOIA). The Commissioner's decision is that the Trust has correctly applied section 40(2) FOIA to make the redactions to the report. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50491650](#)

East Riding of Yorkshire Council

Case Ref: FS50480452

Date: 01/08/2013

Summary: The complainant requested documents held by East Riding of Yorkshire Council ("the council") showing that a particular council officer made it clear that she was married to another officer during the relevant period. The council said that it held this information in the form of information within job application forms however it cited the exemption under section 40(2) of the Freedom of Information Act 2000 ("the FOIA"). This exemption relates to personal data. The Commissioner's decision is that the council incorrectly relied on the exemption under section 40(2) on this occasion. The Commissioner therefore finds the council in breach of its obligation to provide information under section 1(1)(b). The Commissioner requires the public authority to disclose the written responses of the officer within the box headed by the questions "Are you related to a Member or Senior Officer of this Authority? (If so please give name(s) and relationships).

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 40 - Complaint Upheld

[View a PDF of decision notice FS50480452](#)

Environment Agency

Case Ref: FER0469276

Date: 31/07/2013

Summary: The complainant has requested information from the Environment Agency relating to coastal erosion. This was in the form of 2 separate requests. The Environment Agency refused to disclose information in relation to the complainant's second request, applying regulation 12(4)(b) (manifestly

unreasonable) of the EIR as a basis for non-disclosure. The Environment Agency provided information in relation to the complainant's first request, however this was provided outside the statutory 20 working day time limit as set out in regulation 5(2) of the EIR. The Commissioner considers that the Environment Agency has correctly applied regulation 12(4)(b) to the complainant's second request, however it has breached regulation 5(2) in relation to the first request by providing the requested information outside the statutory time limit. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: EIR 5 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FER0469276](#)

Barnet London Borough Council

Case Ref: FS50480128

Date: 31/07/2013

Summary: The complainant made 23 requests to the London Borough of Barnet (the 'Council'), all of which were refused on the grounds that they were vexatious under section 14(1) of FOIA. The Council reviewed its decision in relation to two of the 23 requests during the investigation and decided that it would be appropriate to provide responses. The Information Commissioner's decision is that the Council properly applied section 14(1) to the remaining 21 requests. He does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50480128](#)

Basildon District Council

Case Ref: FS50493454

Date: 29/07/2013

Summary: The complainant has requested information related to the Forestry Commissioner and legislation concerning the removal of trees. The Commissioner's decision is that Basildon Council has correctly applied the exception for manifestly unreasonable requests at regulation 12(4)(b) of the EIR. He does not require any steps to be taken. However, the council breached regulation 14(3) by failing to reference either the specific regulation being relied upon or any public interest test considerations.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50493454](#)

South Wales Police

Case Ref: FS50480313

Date: 25/07/2013

Summary: The complainant requested various information in respect of a number of police officers and undercover police vehicles registered to South Wales Police. South Wales Police refused the request on the basis that it was vexatious citing section 14(1) of the FOIA. The Commissioner's decision is that South Wales Police has correctly relied on section 14(1) of the FOIA. The Commissioner does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50480313](#)

University Hospitals Bristol NHS Foundation Trust

Case Ref: FS50481492

Date: 16/07/2013

Summary: The complainant has requested information relating to an inquiry into histopathology/pathology breast care services. University Hospitals Bristol NHS Foundation Trust (the Trust) refused to comply with the request as it considers it is vexatious under section 14 of the Freedom of Information Act (FOIA). The Commissioner's decision is that the Trust has correctly applied section 14 FOIA in this case, it was not therefore obliged to comply with the request. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50481492](#)

University Hospitals Bristol NHS Foundation Trust

Case Ref: FS50483042

Date: 16/07/2013

Summary: The complainant has requested information about histopathology breast care services. University Hospitals Bristol NHS Foundation Trust (the Trust) refused to comply with the request as it considers it is vexatious under section 14 of the Freedom of Information Act (FOIA). The Commissioner's decision is that the Trust has correctly applied section 14 FOIA in this case. It was not therefore obliged to comply with the request. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50483042](#)

Merton London Borough Council

Case Ref: FS50479890

Date: 16/07/2013

Summary: The complainant made a series of requests to the London Borough of Merton ("the Council") for information relating to visits by an Environmental

Health Officer to a property which was under the complainant's control and management and which had been the subject of a series of prosecutions under the Housing Act 2004, the Prevention of Damage by Pests Act 1949 and the Public Health Act 1936. The Council responded to the first 3 requests and then advised the complainant that it would not answer further FOIA requests on the same issue as the request was vexatious under section 14(1) of the FOIA. This was revised at the internal review stage to include reference to regulation 12(4)(b) of the EIR. The Commissioner's decision is that the Council has correctly applied regulation 12(4)(b) to the request. There are no further steps to be taken.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FS50479890](#)

Lincolnshire County Council

Case Ref: FS50480399

Date: 15/07/2013

Summary: The complainant requested information from Lincolnshire County Council ("the council") about classes for gifted and talented primary school pupils in Stamford. The council refused to respond to the requests citing section 14(1) of the Freedom of Information Act 2000 ("the FOIA"). This exclusion relates to vexatious requests. The Commissioner's decision is that the council correctly relied on the exclusion under section 14(1) of the FOIA.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50480399](#)

London Borough of Enfield

Case Ref: FS50480038

Date: 08/07/2013

Summary: The complainant has requested information relating to the actions of a social worker at the London Borough of Enfield Council, the social worker previously reported the theft of a cat which the complainant had taken back to a cat charity after she found that its health was suffering in a care home. No action was taken by the police. The council stated that no information was held, but also stated that if further FOI requests were received about the same subject matter it would declare the request vexatious. After further requests were made by the complainant under the Data Protection Act 1998 it subsequently applied section 14 to the request. The Commissioner's decision is that the Council has incorrectly applied section 14 to the complainant's request. However the council had already confirmed that no information is held in respect of the request and so the Commissioner does not require the council to take any steps.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50480038](#)

Cambridgeshire Constabulary

Case Ref: FS50479480

Date: 04/07/2013

Summary: The complainant made a request for information relating to a complaint he had made about an investigation. The Constabulary refused the request under section 14(1) of the FOIA as it considered it vexatious. The Commissioner's decision is that the request is vexatious and that section 14 was applied correctly. The Constabulary is therefore not obliged to comply with the request.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50479480](#)

Tandridge District Council

Case Ref: FER0479975

Date: 04/07/2013

Summary: The complainant has requested information related to a planning appeal regarding a specific address. The council applied the vexatious provision at section 14 of the FOIA. The Commissioner's decision is that the information is environmental and the council is able to rely upon regulation 12(4)(b) as the request is manifestly unreasonable. He does not require any steps to be taken.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FER0479975](#)

Cambridgeshire Constabulary

Case Ref: FS50479480

Date: 04/07/2013

Summary: The complainant made a request for information relating to a complaint he had made about an investigation. The Constabulary refused the request under section 14(1) of the FOIA as it considered it vexatious. The Commissioner's decision is that the request is vexatious and that section 14 was applied correctly. The Constabulary is therefore not obliged to comply with the request.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50479480](#)

Cambridgeshire Constabulary

Case Ref: FS50481517

Date: 04/07/2013

Summary: The complainant requested information about Cambridgeshire Constabulary's ("the Constabulary") conclusion that certain allegations he had made which it had investigated revealed no evidence of criminal behaviour. He also requested information about its assertion that it had considered charging him with wasting police time. The Constabulary refused the request under section 14(1) of the FOIA as it considered it vexatious. The Commissioner's decision is that the requests are vexatious and that section 14 was applied correctly. The Constabulary is therefore not obliged to comply with the request.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50481517](#)

Bexley London Borough Council

Case Ref: FS50468429

Date: 27/06/2013

Summary: The complainant requested information under the Freedom of Information Act (the Act) relating to the post of the London Borough of Bexley's Deputy Director for Leisure, Arts and Tourism; and later for the pay scales for two other posts. The London Borough of Bexley refused the latter requests as it considered that it would be unfair to disclose this personal data (section 40 of the Act). During the course of the Commissioner's investigation the London Borough of Bexley altered its response to state it was also refusing the request as it was vexatious (section 14). The Commissioner's decision is that the request can be refused as vexatious and that the London Borough of Bexley has correctly applied section 14. No further action is required.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50468429](#)

Welsh Assembly Government

Case Ref: FS50470282

Date: 27/06/2013

Summary: The complainant requested information about a review of hospital services in Wales. The Welsh Government provided some information and withheld other information under various subsections of section 36 of the FOIA. The Commissioner's decision is that although the exemptions are engaged, the public interest in maintaining the exemptions does not outweigh the public interest in disclosure. The Commissioner requires the public authority to disclose the information withheld under sections 36(2)(b)(i), 36(2)(b)(ii) and 36(2)(c).

Section of Act/EIR & Finding: FOI 36 - Complaint Upheld

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North Bristol NHS Trust

Case Ref: FS50488646

Date: 25/06/2013

Summary: The complainant has requested information relating to concerns about histopathology/pathology breast care services. North Bristol NHS Trust (the Trust) refused to comply with the request as it considers it is vexatious under section 14 of the Freedom of Information Act (FOIA). The Commissioner's decision is that the Trust has correctly applied section 14 FOIA in this case and it was not therefore obliged to comply with the request. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50488646](#)

North Bristol NHS Trust

Case Ref: FS50474252

Date: 24/06/2013

Summary: The complainant has requested information relating to concerns about histopathology/pathology breast care services. North Bristol NHS Trust (the Trust) refused to comply with the request as it considers it is vexatious under section 14 of the Freedom of Information Act (FOIA). The Commissioner's decision is that the Trust has correctly applied section 14 FOIA in this case and it was not therefore obliged to comply with the request. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50474252](#)

Department for Environment Food and Rural Affairs

Case Ref: FER0470006

Date: 13/06/2013

Summary: The complainant has requested from Defra copies of correspondence and documentation between, firstly, Natural England and Defra and, secondly, the National Farmers Union (NFU) and Defra, since 2011 in relation to a number of specified issues relating to the proposed badger cull. Defra refused to comply with the request on the basis that it was manifestly unreasonable for the purposes of regulation 12(4)(b) of the EIR. The Commissioner's decision is that the exception is engaged and that, in all the circumstances, the public interest favours maintaining the exception. Accordingly, the Commissioner does not require Defra to take any steps as a result of this notice.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

Cabinet Office

Case Ref: FS50475014

Date: 11/06/2013

Summary: The complainant has requested copies of emails relating to the government's education reforms, sent between the Prime Minister and a special adviser, using non-GSI email accounts. The Cabinet Office determined that the request was not a valid request for information under section 8(1)(c) as it did not describe the information being sought. The Information Commissioner's decision is that the request is a valid request under the FOIA and that the Cabinet Office incorrectly applied section 8(1)(c) and is obliged to respond to the request under the FOIA. The Commissioner requires the Cabinet Office to issue a fresh response under the FOIA, treating the request as a valid request for copies of emails relating to the government's education reforms, sent between the Prime Minister and the special adviser, via any non-GSI email accounts used by the Prime Minister.

Section of Act/EIR & Finding: FOI 8 - Complaint Upheld

[View a PDF of decision notice FS50475014](#)

East Riding of Yorkshire Council

Case Ref: FER0481077

Date: 06/06/2013

Summary: The complainant requested information from East Riding of Yorkshire Council ("the council") relating to a particular planning application. The council refused to comply on the basis that the requests were manifestly unreasonable and regulation 12(4)(b) of the Environmental Information Regulations 2004 ("the EIR") therefore applied. The Commissioner's decision is that the council responded correctly. The requests were manifestly unreasonable and the public interest did not favour disclosure. The Commissioner does not require any steps to be taken. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FER0481077](#)

Sandwell Metropolitan Council

Case Ref: FER0461667

Date: 05/06/2013

Summary: The complainant has requested information regarding Sandwell Metropolitan Borough Council's (the council) inspection of contaminated sites in the borough. The council refused the request relying on the exceptions at

12(4)(b), 12(4)(d) and 12(5)(e) as it considered that the request was manifestly unreasonable, the information was in the course of completion and its disclosure would adversely affect the confidentiality of commercial information. The Commissioner's decision is that the council has incorrectly relied on the exceptions cited and he therefore requires the council to disclose the requested information.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Upheld, EIR 12.4.d - Complaint Upheld, EIR 12.5.e - Complaint Upheld

[View a PDF of decision notice FER0461667](#)

Hunters Bar Junior School

Case Ref: FS50475952

Date: 29/05/2013

Summary: The complainant submitted a complaint to Hunter's Bar Junior School (the "school") about its provision of special educational needs ("SEN") support to his daughter. Under the Data Protection Act 1998 (the "DPA") and the FOIA, he then requested information used in the consideration of this complaint. He also requested any public information the school held concerning the involvement of a solicitor's firm in handling his complaints since 2007. The school refused the FOIA part of the request as vexatious under section 14(1). The Commissioner's decision is that the school has correctly applied section 14(1) to that part of the request which fell under the FOIA. There are no further steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50475952](#)

Department of Justice Northern Ireland

Case Ref: FS50470533

Date: 16/05/2013

Summary: The complainant requested information from the Department of Justice for Northern Ireland. The Department claimed that the request was vexatious under section 14(1) of the FOIA. The Commissioner's decision is that the Department was entitled to rely on section 14(1). The Commissioner does not require any steps to be taken. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50470533](#)

North Yorkshire Police

Case Ref: FS50482564

Date: 14/05/2013

Summary: The complainant made various information requests stemming from his dissatisfaction with the actions of North Yorkshire Police (NYP) in relation to a family dispute. NYP did not respond to these requests on the grounds that they were vexatious under section 14(1) of the FOIA and, as the complainant had been advised that previous requests made by him were vexatious, it would have been unreasonable to expect it to respond with a further refusal notice. The Commissioner's decision is that the complainant's requests were vexatious and so NYP was not obliged to comply with these. The Commissioner also finds that under section 17(6) of the FOIA NYP was not obliged to provide any response to these requests as it would have been unreasonable in the circumstances to expect it to do so.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50482564](#)

North Bristol NHS Trust

Case Ref: FS50462149

Date: 14/05/2013

Summary: The complainant made a freedom of information request to North Bristol NHS Trust ("the Trust") for copies of Adverse Incident Management and Serious Untoward Incident reports included in the Bristol Histopathology Inquiry. The Trust refused the request under the section 40 (personal information) and section 41 (information provided in confidence) exemptions but during the course of the Commissioner's investigation said that it was also seeking to argue that the request was vexatious under section 14(1) of FOIA. The Commissioner has investigated the complaint and found that the request is vexatious and that section 14(1) applies. The Commissioner requires no steps to be taken. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50462149](#)

Craigavon Borough Council

Case Ref: FS50483396

Date: 09/05/2013

Summary: The complainant has requested information from Craigavon Borough Council ("the Council") relating to correspondence to and from certain individuals concerning Lough Neagh rescue service. The Council refused to disclose the requested information, citing section 40(2) by virtue of section 40(3)(a)(i) of FOIA as a basis for non-disclosure. The Council also deemed the request to be vexatious and applied section 14(1) of FOIA. The Commissioner's decision is that the Council has correctly applied section 40(2) of FOIA to the requested information. He has therefore not considered the Council's application of section 14(1) of FOIA. The Commissioner orders no steps to be

taken.

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50483396](#)

East Sussex County Council

Case Ref: FS50469685

Date: 30/04/2013

Summary: The complainant made requests to East Sussex County Council ("the council") relating to issues involving his wife. The council cited section 14(1) of the Freedom of Information Act 2000 ("the FOIA"), the exclusion relating to vexatious requests. The council also said that some of the requests should be considered separately under the terms of the Data Protection Act 1998 ("the DPA"). The Commissioner's decision is that the council correctly relied on the exclusion under section 14(1) in relation to information that falls within the scope of the FOIA.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50469685](#)

East Sussex County Council

Case Ref: FS50466468

Date: 30/04/2013

Summary: The complainant made requests to East Sussex County Council ("the council") relating to issues involving his wife. The council cited section 14(1) of the Freedom of Information Act 2000 ("the FOIA"), the exclusion relating to vexatious requests. The council also said that some of the requests should be considered separately under the terms of the Data Protection Act 1998 ("the DPA"). The Commissioner's decision is that the council correctly relied on the exclusion under section 14(1) in relation to information that falls within the scope of the FOIA.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50466468](#)

Information Commissioner

Case Ref: FS50471842

Date: 30/04/2013

Summary: The complainant requested information relating to various court cases. The ICO refused the requests under s14 FOIA as they were considered vexatious. The Commissioner's decision is that the requests are vexatious and so s14 was applied correctly. The ICO is therefore not obliged to comply with these requests.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

Long Sutton Parish Council

Case Ref: FS50468436

Date: 29/04/2013

Summary: The complainant has requested from Long Sutton Parish Council (the Council) copies of notes and communications broadly relating to the operation of FOIA and the processing of information requests. In addition, he has asked to be provided with a copy of the plans of a particular cemetery. The Council initially advised that it was only prepared to provide information in hard-copy. However, following the Commissioner's intervention, the Council agreed to supply some of the requested information electronically. The Commissioner has been asked to consider the procedural issues connected to the Council's handling of the requests and has found that it breached sections 10(1) (time for compliance) and 16(1) (advice and assistance) of FOIA. However, he does not require any steps to be taken as a result of this notice.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 16 - Complaint Upheld

[View a PDF of decision notice FS50468436](#)

BBC

Case Ref: FS50469109

Date: 24/04/2013

Summary: The complainant has requested information about Disability Equality Training undertaken by members of staff at the BBC. The BBC considered the request to be vexatious under section 14(1) of the FOIA. The Commissioner's decision is that only part of the request is covered by the FOIA as some of the information relates to the BBC's activities in journalism, art or literature and is therefore not covered by the FOIA. For the part of the request within the scope of the FOIA, the Commissioner considers the BBC has correctly applied section 14(1) to refuse the request.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50469109](#)

City of Wakefield Council

Case Ref: FS50460546

Date: 24/04/2013

Summary: The complainant has requested information relating to the Pontefract Community Governance Review. The Commissioner's decision is that the City of Wakefield Metropolitan District Council has correctly applied the exemption for repeated requests at section 14(2) of the FOIA. The

Commissioner does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50460546](#)

Manchester City Council

Case Ref: FS50469749

Date: 23/04/2013

Summary: The complainant has requested correspondence relating to his complaint against an employee of a healthcare provider contracted by Manchester City Council ('the council'). The Commissioner's decision is that the council has correctly applied the exemption for personal data at section 40(2) of the FOIA and is therefore entitled to withhold the information. The Commissioner does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50469749](#)

Common Council of the City of London

Case Ref: FS50469440

Date: 22/04/2013

Summary: The complainant has requested information relating to the rights and employment status of Barbican Centre stewards/hosts. The City of London ('the CoL') refused to respond to the request on the grounds that it is vexatious, and applied section 14 FOIA. The Commissioner's decision is that the CoL has correctly applied section 14 FOIA and that the request is vexatious. The Commissioner therefore does not require the public authority to take any further action in this case.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50469440](#)

Conwy County Borough Council

Case Ref: FS50473144

Date: 15/04/2013

Summary: The complainant made a number of requests for information about Council Reserves. Conwy County Borough Council ('the Council') applied section 14(1) and 14(2) to the latest request as it considered it to be both repeated and vexatious. The Commissioner's decision is that the Council correctly refused the request on the grounds that it is vexatious and as such section 14(1) applies. The Commissioner does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50473144](#)

Environment Agency

Case Ref: FER0473714

Date: 11/04/2013

Summary: The complainant made a request to the Environment Agency for information related to the Sunderland sewerage system. The Environment Agency refused the request on the basis that it was manifestly unreasonable under the exception from disclosure in regulation 12(4)(b) of the Environmental Information Regulations 2004 (EIR). The Commissioner has investigated the complaint and found that regulation 12(4)(b) applies and the public interest in maintaining the exception outweighs the public interest in disclosure. The Commissioner requires no steps to be taken. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FER0473714](#)

Bristol NHS Primary Care Trust

Case Ref: FS50480617

Date: 27/03/2013

Summary: made in Bristol NHS Primary Care Trust's ("NHS Bristol") Histopathology Review Report from April 2011. As the subject matter was deemed to be the same as a number of previous requests, the public authority refused this request using the exemption under section 14(1) of the FOIA. Having considered this request, alongside other requests made by the complainant the Commissioner has determined that NHS Bristol was correct to refuse the request on the basis that it was vexatious under section 14(1).

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50480617](#)

Bristol NHS Primary Care Trust

Case Ref: FS50483036

Date: 27/03/2013

Summary: The complainant has requested information in relation to histopathology services at North Bristol NHS Trust (now NHS Bristol) dating back to 2007. As the subject matter was deemed to be the same as a number of previous requests, the public authority refused this request using the exemption under section 14(1) of the FOIA. Having considered this request, alongside other requests made by the complainant the Commissioner has determined that NHS Bristol was correct to refuse the request on the basis that it was vexatious under section 14(1). This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

Home Office

Case Ref: FS50429761

Date: 26/03/2013

Summary: The complainant requested details of funding provided by the Home Office to ACPO (the Association of Chief Police Officers). After protracted correspondence, the Home Office provided some information and withheld the remainder under sections 24(1), 31(1)(a), 38(1)(b), 40(2) and 43(2) of the FOIA. The Commissioner finds that the Home Office was entitled to withhold some of the requested information but that some of the information ought to have been disclosed to the complainant at the time of his request. The Commissioner requires the Home Office to disclose the information specified in the attached confidential schedule.

Section of Act/EIR & Finding: FOI 24 - Complaint Not upheld, FOI 31 - Complaint Upheld, FOI 38 - Complaint Upheld, FOI 40 - Complaint Partly Upheld, FOI 43 - Complaint Not upheld

[View a PDF of decision notice FS50429761](#)

University Hospitals Bristol NHS Foundation Trust

Case Ref: FS50452727

Date: 26/03/2013

Summary: The complainant made a number of requests to University Hospitals Bristol NHS Foundation Trust ("UHB"). UHB refused to provide the requested information on the basis that the requests were vexatious under section 14 of the Freedom of Information Act ("FOIA"). The Commissioner's decision is that UHB has correctly applied section 14 to these requests. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50452727](#)

Department for Environment Food and Rural Affairs

Case Ref: FS50465825

Date: 26/03/2013

Summary: The complainant made a number of requests, on two separate dates, to the Department for Environment, Food and Rural Affairs (Defra) relating to an existing dispute with the department. Defra has refused these requests under section 14(1) (vexatious request) of FOIA. The Commissioner considers that Defra was correct to rely on section 14(1) and does not

therefore require Defra to take any steps as a result of this notice.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50465825](#)

Walberswick Parish Council

Case Ref: FS50459125

Date: 26/03/2013

Summary: The complainant requested information from Walberswick Parish Council ('the council') relating to the Community Benefit Fund. The Commissioner's decision is that the council correctly applied section 14(1) of the FOIA because the complainant was acting in concert with other individuals and the request was vexatious. The Commissioner does not require any steps to be taken. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50459125](#)

Foreign and Commonwealth Office

Case Ref: FER0441185

Date: 26/03/2013

Summary: The complainant has requested information concerning the environment of the British Indian Ocean Territory (BIOT). The Foreign and Commonwealth Office (FCO) originally mistakenly responded to the request under the FOIA by the use of Section 12 (cost of compliance exceeds appropriate limit). The FCO rectified this error at internal review and substituted Regulation 12(4)(c) (request formulated in too general a manner) under the EIR 2004 as the basis for refusing the request. The complainant subsequently submitted a refined request which was treated as a new request by the FCO and which was refused on the basis of Regulation 12(4)(b) (manifestly unreasonable). The Commissioner's decision is that the FCO application of Regulation 12(4)(c) to the initial request was invalid. The Commissioner also finds that Regulation 12(4)(b) was not engaged with regard to the complainant's subsequent refined request. The Commissioner requires the public authority issue a fresh response to the complainant's refined request of 5 January 2012, that does not rely upon the exception at regulation 12(4)(b).

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Upheld, EIR 12.4.c - Complaint Upheld

[View a PDF of decision notice FER0441185](#)

Oxford and Cherwell Valley College

Case Ref: FS50461117

Date: 26/03/2013

Summary: The complainant has requested details from the Oxford and Cherwell Valley College ("the College") about how many staff have left the College under compromise agreements since September 2011 and the total amount paid out under any agreements during the same period. The College refused to comply with the request as the complainant had made several requests for information previously, one of which was in relation to the same subject matter. The College relied upon Section 14 of the FOIA stating it believed the complaint to be a vexatious one which it considered to be part of an on-going campaign against the College and members of its staff. The College provided detailed information to the Commissioner about a series of requests under both the FOIA and the Data Protection Act 1998 ("DPA") which could be considered distressing, disruptive and harassing in nature. However, insufficient evidence was provided to establish a direct link between the complaint and any campaign against the College. The Commissioner's decision is therefore that the request is not vexatious and he requires the College to issue a fresh response.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50461117](#)

Liverpool City Council

Case Ref: FS50442311

Date: 25/03/2013

Summary: The complainant requested information from Liverpool City Council (the council) concerning an organogram, pay scales and staff numbers in a particular format for the council and Liverpool Direct Ltd (LDL). The council responded by stating that it held some, but not all, of the requested information. At internal review stage, and subsequently, the council provided further information. After the Commissioner began his investigation the council applied section 40(2) to some of the requested information which it later disclosed. The council also applied section 12(1) at a late stage. The Commissioner has decided that the council has relied inappropriately on section 12(1). He has concluded though, on the balance of probability, that the council does not hold any information regarding the salary of the Chief Executive of LDL. The Commissioner requires the council to issue a fresh response under the FOIA that does not rely on section 12(1).

Section of Act/EIR & Finding: FOI 12 - Complaint Upheld

[View a PDF of decision notice FS50442311](#)

Walberswick Parish Council

Case Ref: FS50465045

Date: 25/03/2013

Summary: The complainant requested information from Walberswick Parish Council (the council) regarding information about the Freedom of Information Act (the FOIA) and Environmental Information Regulation (EIR) requests it had received. The council refused to respond to the request because it considered that it was vexatious under section 14(1) of the FOIA and that the complainant was acting in concert with other individuals. The council also applied section 12(1) of the FOIA and regulation 12(4)(b) of the EIR. The Commissioner later concluded that it was more appropriate to consider the requested information solely under the FOIA. The Commissioner's decision is that the council correctly applied section 14(1) and he has not gone on to consider the application of section 12(1). The Commissioner requires no further steps to be taken. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50465045](#)

Warwickshire Police

Case Ref: FS50465534

Date: 25/03/2013

Summary: The complainant requested various information relating to the recovery and storage of a vehicle that had been involved in an accident. Warwickshire Police (the police) refused the requests under section 14 of the FOIA as it believed that they were vexatious. The Commissioner's decision is that these requests were not vexatious and so section 14 of the FOIA did not apply. The Commissioner requires the public authority to take issue a fresh response to the requests that complies with the requirements of section 1 and, if appropriate, section 17 of the FOIA.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50465534](#)

Transport for London

Case Ref: FS50469446

Date: 21/03/2013

Summary: The complainant has requested information relating to staffing at Transport for London (TfL). TfL did not respond to the request under section 17(6) of the Freedom of Information Act (FOIA). It has explained to the Commissioner that it considers that the request was vexatious under section 14 FOIA. It explained that it has previously applied section 14 FOIA to requests made by the complainant on this subject matter and a previous Decision Notice had been served by the Commissioner upholding TfL's application of section 14 FOIA. Finally TfL confirmed that it had made the complainant aware that it would not respond to further requests relating to this subject matter. The Commissioner's decision is that TfL was not obliged to respond to this FOIA request under section 17(6) FOIA as the request was vexatious under section

14 FOIA. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50469446](#)

Department for Business Innovation and Skills

Case Ref: FS50463281

Date: 19/03/2013

Summary: The complainant has requested information regarding the settlement of a claim he made against the British Coal Corporation ("BCC") for an accident he had whilst working in a BCC mine in 1991. The Department for Business Innovation and Skills ("DBIS") treated part of this request under the DPA, as it considered that some of the requested information was the personal data of the complainant. It applied section 14(1) of the FOIA to the remainder of the request. The Commissioner's decision is that some of the requested information is the personal data of the complainant and as such this information is exempt from disclosure (under the FOIA) under section 40(1). He has also decided that DBIS has correctly applied section 14(1) to the remainder of the request. He does not require any steps to be taken. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50463281](#)

Islington Council

Case Ref: FER0453309

Date: 14/03/2013

Summary: The complainant requested information on the council draft proposal to redevelop an area of Holly Park in Islington, London. The council provided some information but withheld other information under the exceptions in Regulations 12(4)(a), (information not held), 12(4)(e) (internal communications) and Regulation 12(4)(d) (material in the course of completion or unfinished documents). It also applied Regulation 12(4)(b) (manifestly unreasonable) to one part of the request. The complainant accepted that some information she asked for was not held, and so asked the council to consider information which it did hold. The council applied other exceptions to this information. The Commissioner's decision is that Islington Borough Council was not correct to apply Regulation 12(4)(e) as correspondence between the council and the ALMO (Islington Homes), could not be considered internal communications for the purposes of the Regulations. It was however correct to apply Regulation 12(4)(a) as regards sections of part 3 of the request. The Commissioner therefore requires the council to disclose the information falling within the scope of part 3 of the request to the complainant which it holds. The Commissioner has also decided that the

council correctly applied the exceptions in Regulations 12(4)(b) to part 4 of the request and 12(4)(d) to part 1 of the request. The Commissioner's decision is that the public interest in the above rests with the exceptions being maintained. The Commissioner requires the public authority to disclose the information it holds falling within the scope of part 3 of the complainant's request.

Section of Act/EIR & Finding: EIR 12.4.a - Complaint Upheld, EIR 12.4.b - Complaint Not upheld, EIR 12.4.d - Complaint Not upheld, EIR 12.4.e - Complaint Upheld

[View a PDF of decision notice FER0453309](#)

Walberswick Parish Council

Case Ref: FS50423845

Date: 13/03/2013

Summary: The complainant requested information from Walberswick Parish Council (the council) related to the decision-making process that led to the issuing of "exclusion notices" against certain individuals, including the complainant, by the council. The Commissioner's decision is that, on the balance of probabilities, no further information is held that has not already been supplied by the council to the complainant. The Commissioner requires no further steps to be taken.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50423845](#)

Cherwell District Council

Case Ref: FS50465324

Date: 12/03/2013

Summary: The complainant requested information connected to a grievance about being issued with a parking ticket by Cherwell District Council ("the council") in 2011. In response to the initial requests, the council said that it considered that the requests had already been addressed in a letter from the Local Government Ombudsman ("the LGO"). In relation to subsequent requests, the council said that the complainant's requests were vexatious and it cited the exclusion under section 14(1) of the Freedom of Information Act 2000 ("the FOIA"). The Commissioner's decision is that no more information was held relating to the initial requests and that the council correctly relied on section 14(1) in relation to the subsequent requests. The Commissioner does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50465324](#)

Department for Work and Pensions

Case Ref: FS50468600

Date: 11/03/2013

Summary: The complainant has made several information requests which relate to staff guidance and procedures at jobcentres. The public authority has found the requests to be vexatious. The Information Commissioner's decision is that the requests are not vexatious and he requires the public authority to issue a fresh response.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50468600](#)

Dudley Metropolitan Borough Council

Case Ref: FS50470517

Date: 11/03/2013

Summary: The complainant has requested information relating to the employment histories of various named individuals at Dudley Metropolitan Borough Council ('the council'). The Commissioner's decision is that the council has correctly applied the exemption for personal data. The Commissioner does not require the council to take any steps to ensure compliance with the legislation. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50470517](#)

Department of Justice Northern Ireland

Case Ref: FS50456078

Date: 11/03/2013

Summary: The complainant made three information requests to the Department of Justice (the Department). The Department refused these requests as it considered them to be vexatious and repeated under sections 14(1) and 14(2) of the FOIA. The Commissioner's decision is that the Department correctly categorised the requests as vexatious. Therefore the Commissioner does not require any further steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50456078](#)

North East Derbyshire District Council

Case Ref: FS50436741

Date: 06/03/2013

Summary: The complainant has made a number of requests for information

about a sale of land in Mickley. The council sold the land for a fee, and it was subsequently sold on by the purchaser for a much higher fee a few months later. The complainant has requested details of the sale from the council and individual council officers and elected members over a long period of time. Having previously provided information to the complainant the council has stated to him on a number of occasions that no further information is held the council reiterated that no information is held but also applied section 14 (that the requests are vexatious) or to the extent that the EIR are applicable that Regulation 12(4)(b) is applicable (that the requests are manifestly unreasonable). The Commissioner's decision is that North East Derbyshire District Council (the council) was correct to apply Regulation 12(4)(b) to the requests for information in this case. The Commissioner does not require the council to take any steps. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FS50436741](#)

North East Derbyshire District Council

Case Ref: FS50436742

Date: 06/03/2013

Summary: The complainant has made a number of requests for information about a sale of land in Mickley. The council sold the land for a fee, and it was subsequently sold on by the purchaser for a much higher fee a few months later. The complainant has requested details of the sale from the council and individual council officers and elected members over a long period of time. Having previously provided information to the complainant the council has stated to him on a number of occasions that no further information is held the council reiterated that no information is held but also applied section 14 (that the requests are vexatious) or to the extent that the EIR are applicable that Regulation 12(4)(b) is applicable (that the requests are manifestly unreasonable). The Commissioner's decision is that North East Derbyshire District Council (the council) was correct to apply Regulation 12(4)(b) to the requests for information in this case. The Commissioner does not require the council to take any steps. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FS50436742](#)

North East Derbyshire District Council

Case Ref: FS50436888

Date: 06/03/2013

Summary: The complainant has made a number of requests for information about a sale of land in Mickley. The council sold the land for a fee, and it was

subsequently sold on by the purchaser for a much higher fee a few months later. The complainant has requested details of the sale from the council and individual council officers and elected members over a long period of time. Having previously provided information to the complainant the council has stated to him on a number of occasions that no further information is held the council reiterated that no information is held but also applied section 14 (that the requests are vexatious) or to the extent that the EIR are applicable that Regulation 12(4)(b) is applicable (that the requests are manifestly unreasonable). The Commissioner's decision is that North East Derbyshire District Council (the council) was correct to apply Regulation 12(4)(b) to the requests for information in this case. The Commissioner does not require the council to take any steps. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FS50436888](#)

North East Derbyshire District Council

Case Ref: FS50440374

Date: 06/03/2013

Summary: The complainant has made a number of requests for information about a sale of land in Mickley. The council sold the land for a fee, and it was subsequently sold on by the purchaser for a much higher fee a few months later. The complainant has requested details of the sale from the council and individual council officers and elected members over a long period of time. Having previously provided information to the complainant the council has stated to him on a number of occasions that no further information is held the council reiterated that no information is held but also applied section 14 (that the requests are vexatious) or to the extent that the EIR are applicable that Regulation 12(4)(b) is applicable (that the requests are manifestly unreasonable). The Commissioner's decision is that North East Derbyshire District Council (the council) was correct to apply Regulation 12(4)(b) to the requests for information in this case. The Commissioner does not require the council to take any steps. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FS50440374](#)

Barnet London Borough Council

Case Ref: FS50462933

Date: 06/03/2013

Summary: The complainant has requested information about money taken from his deceased wife's bank account. He has also asked for information about supposed allegations made against him. The Commissioner's decision is

that the London Borough of Barnet (the Council) has correctly refused the request on the grounds that it is vexatious. No further action is required.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50462933](#)

Bradford Metropolitan District Council

Case Ref: FS50469449

Date: 06/03/2013

Summary: The complainant has requested information relating to Council Tax summons and liability order costs. The Commissioner's decision is that, on the balance of probabilities, City of Bradford Metropolitan District Council ('the council') does not hold the requested information in relation to some elements of the request but does hold the requested information in relation to others elements of the request. Therefore the council has breached section 1 of the FOIA. The Commissioner has also decided that the council has not provided an adequate response to certain elements of the request in accordance with the FOIA and has not provided sufficient evidence to apply the exemption where disclosure would prejudice the commercial interests of any person at section 43(2) of the FOIA. The Commissioner requires the public authority to: in relation to request 3, the Commissioner reminds the council of its obligations under sections 1 and 17 of the FOIA and requires that the council issue a proper response under the FOIA; in relation to the elements of question 4 detailed in paragraph 31, the Commissioner reminds the council of its obligations under sections 1 and 17 of the FOIA and requires that the council issue a proper response under the FOIA; and to disclose the information relating to 'monies collected' within the scope of request 4.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 43 - Complaint Upheld

[View a PDF of decision notice FS50469449](#)

Babergh District Council

Case Ref: FER0457873

Date: 04/03/2013

Summary: The complainant has requested information about the monitoring of aircraft. The Commissioner's decision is that the request is manifestly unreasonable and that the public interest test favours maintaining the exception. No further action is required. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FER0457873](#)

Cabinet Office

Case Ref: FS50465008

Date: 27/02/2013

Summary: The complainant submitted a request for copies of the last email sent from and received at any non-GSI email addresses used by the Prime Minister. The Cabinet Office determined that the request was not a valid request for information under section 8(1)(c) as it did not describe the information being sought. The Information Commissioner's decision is that the request is a valid request under the FOIA and that the Cabinet Office incorrectly applied section 8(1)(c) and is obliged to respond to the request under FOIA. The Commissioner requires the Cabinet Office to issue a fresh response under the FOIA, treating the request as a valid request for the last email sent from and received at any non-GSI email addresses used by the Prime Minister.

Section of Act/EIR & Finding: FOI 8 - Complaint Upheld

[View a PDF of decision notice FS50465008](#)

Department for Education

Case Ref: FS50465213

Date: 27/02/2013

Summary: The complainant has requested information from the Department for Education (the "DfE") which consists of the product of keyword searches in the email accounts of named individuals. The DfE has relied upon section 8(1)(c) and section 1(3) of the FOIA to refuse the request. It argued that it was not a valid request as it failed to describe the information required, and that attempts to narrow the scope of the request with the complainant to help identify the information had not been successful. Therefore it was not obliged to comply with section 1(1) of the FOIA. The Commissioner's decision is that the complainant failed to provide the clarification reasonably required by the DfE in accordance with section 1(3). He is satisfied that the DfE fulfilled its obligations under the FOIA and therefore he does not require the DfE to take any steps in this case.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld, FOI 8 - Complaint Upheld

[View a PDF of decision notice FS50465213](#)

Islington Council

Case Ref: FS50470514

Date: 27/02/2013

Summary: The complainant requested information about the governance of a primary school. Islington Council (the Council) refused the requests as vexatious, citing section 14 of FOIA (vexatious request). The Commissioner's

decision is that the Council incorrectly relied on section 14(1) in this particular case. He requires the Council to issue a fresh response to the request which does not rely on section 14(1).

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50470514](#)

Imperial College London

Case Ref: FS50449944

Date: 26/02/2013

Summary: The complainant made three requests for information relating to a particular department at Imperial College London (Imperial). Imperial initially refused to disclose this information under sections 40(2) (personal data) and 43(2) (commercial interests) of FOIA. During the course of the Commissioner's investigation, the complainant limited the scope of the issues that needed to be considered. Imperial subsequently disclosed some of the requested information but considered that the remainder was subject to section 14(1) (vexatious request) and section 43(2) of FOIA. The Commissioner has decided that Imperial correctly applied section 14(1) to the requests and does not therefore require any steps to be taken as a result of this notice. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50449944](#)

Blackpool Borough Council

Case Ref: FS50454490

Date: 26/02/2013

Summary: The complainant has requested various information relating to the investigation of a previous complaint about Blackpool Council (the Council) by the ICO. The Council refused the requests under section 14 of the FOIA as they were considered vexatious. The Commissioner's decision is that these requests were vexatious and so section 14 was applied correctly. The Council was not, therefore, obliged to comply with these requests.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50454490](#)

West Berkshire District Council

Case Ref: FER0457411

Date: 25/02/2013

Summary: The complainant requested information from West Berkshire Council (the council) relating to the decision to approve the demolition and redevelopment of a specified location and the decision-making process that led

to its approval. The council provided some information during the course of the Commissioner's investigation but stated that no further information was held. The Commissioner's decision is that, on the balance of probabilities, the council does not hold any further information.

Section of Act/EIR & Finding: EIR 5 - Complaint Not upheld

[View a PDF of decision notice FER0457411](#)

Cabinet Office

Case Ref: FS50464297

Date: 19/02/2013

Summary: The complainant has requested information relating to Christopher Monckton's period of employment as a special advisor at No. 10 Downing Street during Margaret Thatcher's premiership. He focussed on personnel information and excluded information relating to his daily work. The Cabinet Office refused to provide it citing section 40 (personal data exemption) as its basis for doing so and upheld this position at internal review. During the course of the Commissioner's investigation it made a further disclosure but withheld the remainder under section 40(2). The Commissioner's decision is that the Cabinet Office is entitled to rely on section 40(2) in relation to the requested information that remains withheld. No steps are required.

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50464297](#)

Department for International Development

Case Ref: FS50470827

Date: 18/02/2013

Summary: The complainant has requested information from the Department for International Development (DfID) regarding legislation that governs their actions and details about their published accounts. DfID refused the requests on the grounds that they were vexatious under section 14 of the Freedom of Information Act 2000 (the Act). The Commissioner's decision is that both requests are vexatious and that DfID was entitled to refuse them. No further action is required. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50470827](#)

Surrey Police

Case Ref: FS50459595

Date: 18/02/2013

Summary: The complainant has requested information from Surrey Police.

Surrey Police refused to comply with the request, arguing that it was vexatious under section 14(1) of the FOIA. The Commissioner's decision is that Surrey Police correctly categorised this request as vexatious, therefore it was entitled to rely on section 14(1) to refuse the request. The Commissioner does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50459595](#)

Wigan Metropolitan Borough Council

Case Ref: FS50461550

Date: 14/02/2013

Summary: The complainant made four requests for information to Wigan Metropolitan Borough Council ('the Council') over a short period of time, broadly relating to the provision and processes regarding Special Education Needs (SEN) within the Council. The Council considered that the requests were vexatious and relied on section 14(1) of the FOIA. The Commissioner considers that the requests were vexatious and that section 14(1) was correctly engaged. The Commissioner requires no remedial steps to be taken. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50461550](#)

Commissioner of the Metropolitan Police Service

Case Ref: FS50464697

Date: 07/02/2013

Summary: The complainant has requested information about dead dogs found at a kennel and information regarding a specified microchip implant. The Commissioner's decision is that the Metropolitan Police Service (MPS) has correctly refused the request on the grounds that it is vexatious, as permitted under section 14 of the Freedom of Information Act (the Act). No further action is required. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50464697](#)

Sheffield Hallam University

Case Ref: FS50464524

Date: 05/02/2013

Summary: The complainant made a freedom of information request to Sheffield Hallam University for a list of the workplace email addresses of staff who had joined the University since May 2010. The University refused the

request under section 14(1) of the FOIA (vexatious requests). The Commissioner has investigated the complaint and found that section 14(1) applies and the University did not have to comply with the request. The Commissioner requires no steps to be taken. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50464524](#)

Luton Borough Council

Case Ref: FS50440146

Date: 04/02/2013

Summary: The complainant requested information relating to the possible development of Luton Airport, the construction of the Luton/Dunstable bus way and a Joint Core Strategy. Luton Borough Council (the 'Council') confirmed it held some of the relevant information about the airport but refused this request on the basis that it was manifestly unreasonable, regulation 12(4)(b) of the EIR. It provided the complainant with information about the bus way, some of which was in the form of a summary table of invoices rather than copies of actual invoices. It also confirmed that it did not hold any information about the Joint Core Strategy because this information was held by its partner in the Joint Core Strategy, Central Bedfordshire Council. The Information Commissioner finds that the Airport request was manifestly unreasonable because of the grossly oppressive burden in considering exemptions. He finds that it was not sufficient to provide a summary table and narrative of invoices, and has ordered a step for the Council to provide the actual invoices or issue a refusal notice. The Information Commissioner does not accept the Council's argument that the information about the Joint Core Strategy is not held. He finds that the information is held by Central Bedfordshire Council on behalf of Luton Borough Council and has ordered the Council to issue a fresh response not relying on this argument.

Section of Act/EIR & Finding: EIR 11 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FS50440146](#)

Hillingdon London Borough Council

Case Ref: FS50445154

Date: 04/02/2013

Summary: The complainant requested emails to and from a number of parties from 2007 onwards containing two specific key words, as well as details of meetings held in 2011 by a Councillor on a specific topic. The complainant also asked for details of any correspondence generated by Hillingdon Borough Council (the Council) as a result of his request. The Council refused to deal with these requests citing section 14(1) and 14(2) of FOIA and stating that, as

at the date of the request, it did not hold any correspondence generated as a result of the request. The Information Commissioner's decision is that the Council was; incorrect to apply section 14(2) to parts one and two of the request, but correct to apply section 14(1) to parts one to eleven of the request, and correct to state that it held no information for part twelve of the request. The Commissioner does not require the public authority to take any steps to ensure compliance with the legislation.

Section of Act/EIR & Finding: FOI 14 - Complaint Partly Upheld

[View a PDF of decision notice FS50445154](#)

Adlington St Pauls Church of England Primary School

Case Ref: FS50455766

Date: 04/02/2013

Summary: The complainant has requested information relating to the complaints log and to the complaints and communications policies and procedures at Adlington St. Paul's Church of England Primary School ('the school'). The school initially responded by providing information in response to the request. The school subsequently refused the request on the grounds that it viewed the request to be vexatious and therefore applied section 14 of the Freedom of Information Act (FOIA). In an attempt to resolve the matter informally, the school later provided more information in response to the request. The complainant complained again about this response. The school then changed its response, stating that it holds no further information that falls within the scope of the request. It no longer applied section 14 FOIA. The Commissioner's decision is that, on the balance of probabilities, the school holds no information that falls within the scope of the request other than the information which the school has already disclosed. The Commissioner therefore finds that the school has complied with section 1(1)(a) of the FOIA and the Commissioner does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50455766](#)

Health and Safety Executive

Case Ref: FS50468181

Date: 30/01/2013

Summary: The complainant has requested copies of the investigation undertaken by the Health and Safety Executive ("HSE") at any of the 6 PFI schools in Exeter. At internal review HSE provided a briefing note to the complainant and explained this was the only information it held with respect to the request. The Commissioner's decision is that HSE holds no further information and has handled the request in accordance with the FOIA.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50468181](#)

Prestatyn Town Council

Case Ref: FS50464144

Date: 28/01/2013

Summary: The complainant requested information about the Wales in Bloom competition. Prestatyn Town Council ('the Council') initially stated it did not hold the information. At the internal review stage the Council applied section 14 of the FOIA to the request as it considered it to be vexatious. During the course of the Commissioner's investigation, the Council stated that the information requested was not held. The Commissioner's decision is that, on the balance of probabilities, the Council does not hold the information requested. He does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50464144](#)

Cabinet Office

Case Ref: FS50435121

Date: 28/01/2013

Summary: The complainant has requested information concerning the involvement and association of the Cabinet Office with the organisation, Common Purpose. The Cabinet Office informed the complainant that it did not hold any such information. Following correspondence from the complainant disputing this assertion the Cabinet Office treated a further request for correspondence held concerning Common Purpose as vexatious under section 14(1) of the FOIA. The Commissioner's decision is that the Cabinet Office has not dealt with the complainant's linked requests appropriately under the Act. Specifically, the Cabinet Office breached section 1(1) - the Commissioner has found that the Cabinet did hold one document that fell within the scope of the 27 October request. This document should have been disclosed. However, he found that the Cabinet Office held no further information. He has not ordered a step in respect of this information as the complainant has provided clear evidence that she already has the document. The Commissioner also finds that the Cabinet Office were incorrect to rely on section 14(1) for the 2 December request. The Commissioner requires the public authority issue a fresh response to the 2 December request (excluding reliance on section 14).

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50435121](#)

Walberswick Parish Council

Case Ref: FS50434776

Date: 24/01/2013

Summary: The complainant requested information from Walberswick Parish Council (the council) relating to correspondence about a meeting that had taken place in October 2011. The council refused to respond to the request because it considered that it was vexatious under section 14(1) of the Freedom of Information Act 2000 (the FOIA) and that the complainant was acting in concert with other individuals. The Commissioner's decision is that the council correctly refused to respond to the requests using section 14(1) of the FOIA. The Commissioner does not require any steps to be taken. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50434776](#)

Department for Transport

Case Ref: FER0458553

Date: 23/01/2013

Summary: The complainant made four separate sets of requests to the Highways Agency from April to May 2012 for information in relation to how litter is managed on its road network. The Commissioner's decision is that the public authority was entitled to rely on the exception at regulation 12(4)(b) of the EIR to deny the requests. The Commissioner does not require the public authority to take any steps. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FER0458553](#)

Suffolk Coastal District Council

Case Ref: FER0458198

Date: 22/01/2013

Summary: The complainant has requested information related to a high profile prosecution under the listed building legislation in respect of Darsham House. The Commissioner's decision is that Suffolk Coastal District Council ('the council') has correctly applied the exceptions at regulations 12(5)(f), 12(5)(b) and 13. The Commissioner does not require any steps to be taken.

Section of Act/EIR & Finding: EIR 12.5.b - Complaint Not upheld, EIR 12.5.f - Complaint Not upheld, EIR 13 - Complaint Not upheld

[View a PDF of decision notice FER0458198](#)

City of London Academy Islington

Case Ref: FS50457967

Date: 22/01/2013

Summary: The complainant has requested information about threshold pay and expenses reimbursements received by City of London Academy, Islington ("COLA-I") staff members. The request was correctly responded to under the FOIA in September 2012, four months after the initial request. The complainant has specifically requested a decision notice regarding the time taken to respond. The Commissioner recognises that COLA-I did respond to the request by discussing the matter with the complainant at a meeting prior to this, and that COLA-I has stated that it was not aware that it also needed to respond in writing. The Commissioner's decision is that COLA-I has breached section 10 of the FOIA as it failed to respond to the request properly and in accordance with the FOIA. COLA-I has now issued a proper response under the FOIA to the request. The Commissioner therefore does not require any further steps to be taken by COLA-I.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld

[View a PDF of decision notice FS50457967](#)

Manchester Metropolitan University

Case Ref: FS50458515

Date: 21/01/2013

Summary: The complainant made a freedom of information request to Manchester Metropolitan University for a list of the workplace email addresses of all its staff. The University refused the request under the exemption in section 36(2)(c) of FOIA (prejudice to the effective conduct of public affairs). The Commissioner has investigated the complaint and found that section 36(2)(c) is engaged and the public interest in maintaining the exemption outweighs the public interest in disclosure. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 36 - Complaint Not upheld

[View a PDF of decision notice FS50458515](#)

Walberswick Parish Council

Case Ref: FS50444929

Date: 21/01/2013

Summary: The complainant has requested copies of 83 pages of letters sent to Walberswick Parish Council (the council) by a specific individual which the council referred to in a letter dated 16 December 2011. The council initially considered that complying with the request would exceed the appropriate cost limit and therefore that section 12 applied. However, during the course of the investigation, the council withdrew its reliance on section 12 and advised both

the Commissioner and the complainant that it now considered that section 14 applied as the request was vexatious when considered along with the requests of three other individuals who the council maintains are acting in concert. The Commissioner's decision is that the council has correctly applied section 14 to the request. The council is therefore not required to take any steps. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 13 - Complaint Not upheld

[View a PDF of decision notice FS50444929](#)

Peak District National Park Authority

Case Ref: FS50414639

Date: 17/01/2013

Summary: The complainant requested various items of information from the Peak District National Park Authority ("the authority"). The authority refused to respond to the requests using the exclusions under section 14(1) and 14(2) of the Freedom of Information Act 2000 ("the FOIA"), which concern vexatious and repeated requests. The Commissioner decided that the authority should have considered the requests under both the FOIA and the Environmental Information Regulations 2004 ("the EIR"). The Commissioner therefore considered the application of the equivalent exception under the EIR, regulation 12(4)(b), which relates to manifestly unreasonable requests. The Commissioner's decision is that the information was exempt under section 14(1) and regulation 12(4)(b). The Commissioner finds that the authority breached its obligations under regulation 14(2) and 14(3) because of its failure to issue a refusal notice under the EIR. The Commissioner does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50414639](#)

Royal Borough of Kensington and Chelsea

Case Ref: FS50449903

Date: 15/01/2013

Summary: The complainant, having received correspondence from the Council on 2 March 2012 asked a question in relation to this letter regarding the academic and medical qualifications of staff working in its Adult Care Services Department. The Council refused the request on the grounds that it was vexatious citing section 14(1) of the Act. The Commissioner's decision is that the Royal Borough of Kensington and Chelsea ('the Council' has correctly relied on section 14(1) of the Act and therefore requires no steps. Information Tribunal appeal number EA/2013/0012 withdrawn.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50449903](#)

Westminster City Council

Case Ref: FS50454133

Date: 14/01/2013

Summary: The complainant has requested various pieces of financial information concerning Westminster City Council's ("the council's") budgets for 2011/12 and 2012/13. The council refused the requests under section 14 of the Act, arguing them both to be vexatious. In addition, the complainant raised concerns that the information should have been routinely published under the council's publication scheme. The Commissioner's decision is that the council has met its obligations under section 19 of the Act, but has incorrectly deemed the request vexatious under section 14. The Commissioner requires the public authority to provide the complainant with a response to the request which complies with the requirements of section 1(1) of the Act or issue a valid refusal notice complying with section 17(1) of the Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld, FOI 19 - Complaint Not upheld

[View a PDF of decision notice FS50454133](#)

Transport for London

Case Ref: FER0454670

Date: 14/01/2013

Summary: The complainant has requested information about communications regarding the location of a kebab kiosk in Hounslow. TfL refused to comply with the request relying on section 14(1) of the FOIA and later Regulation 12(4)(b) of the Environmental Information Regulations 2004 (EIR). The Commissioner's decision is that TfL has correctly applied both section 14(1) and Regulation 12(4)(b) to refuse the request. The Commissioner does not require the public authority to take any steps.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FER0454670](#)

Sunderland City Council

Case Ref: FS50448552

Date: 10/01/2013

Summary: The complainant has requested information about the business tenants at the E-volve Business Centre and Rainton Bridge Business Park regarding the financial support and assistance provided by Sunderland City Council (the council) since opening to the date of the request. The council initially relied on section 43(2) as it considered that the information would

prejudice the businesses' commercial interests. The council also considered that its own commercial interests would be prejudiced. Finally, it relied on section 41 as it considered that if disclosed, the information would in turn disclose information that had been provided in confidence by the businesses. The Commissioner's decision is that the council has incorrectly applied section 41 and section 43 to withhold the requested information. The Commissioner requires the council to disclose the requested information to the complainant.

Section of Act/EIR & Finding: FOI 41 - Complaint Upheld, FOI 43 - Complaint Upheld

[View a PDF of decision notice FS50448552](#)

Northumberland County Council

Case Ref: FS50428967

Date: 09/01/2013

Summary: The complainant has requested information regarding an alleged guarantee made by Northumberland County Council's (the Council) predecessors to run a bus service between the towns of Alton and Haltwhistle. The Commissioner's decision is that the Council incorrectly refused the complainant's request relying on sections 12 and 14. However, the Council subsequently disclosed the relevant information and the Commissioner decided that, on the balance of probabilities, no further information is held.

Section of Act/EIR & Finding: FOI 12 - Complaint Upheld, FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50428967](#)

Thames Valley Police

Case Ref: FS50461226

Date: 03/01/2013

Summary: The complainant requested information relating to a vehicle that he believed was driven by a visitor to Thames Valley Police headquarters. Thames Valley Police (TVP) stated that it did not hold this information. The Commissioner's decision is that TVP stated correctly and in accordance with section 1(1)(a) of the FOIA that this information was not held. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50461226](#)

Leeds City Council

Case Ref: FS50443880

Date: 18/12/2012

Summary: The complainant requested all information held by the Council on a

database. Leeds City Council (the Council) refused this request and cited section 12 of the FOIA as it estimated that the cost of compliance with this request would exceed the limit of £450. The Commissioner's decision is that the Council's estimate of the cost of the request was reasonable and so section 12 provided that it was not obliged to comply with it. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld

[View a PDF of decision notice FS50443880](#)

Willington Parish Council

Case Ref: FS50442867

Date: 12/12/2012

Summary: The complainant requested information about the salary and employment details for the Parish Clerk. Willington Parish Council ('the Council') refused to comply with the request as it viewed the request to be vexatious, and cited section 14(1) of the FOIA as its grounds for refusal. The Commissioner's decision is that the request is vexatious within the meaning of section 14(1) and the Council was not obliged to comply with it. The Commissioner does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50442867](#)

Cornwall Council

Case Ref: FER0427861

Date: 10/12/2012

Summary: The complainant submitted ten linked requests for information about all planning obligations entered into by Cornwall Council (the "Council") under Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980 for the Newquay area. The Council refused to provide this information because it considered the request to be manifestly unreasonable on the grounds of cost (Regulation 12(4)(b) of the EIR). It later withdrew this and provided information within the scope of nine of the requests. It reintroduced reliance on Regulation 12(4)(b) in relation to one of the requests and argued that it had disclosed all the information it held in relation to the other requests. The Commissioner's decision is that the Council is entitled to rely on Regulation 12(4)(b) in relation to one of the requests and that it has provided all the information it holds in relation to the other requests. However, in failing to provide the information within 20 working days it has contravened the requirements of Regulation 5 of the EIR. Furthermore, in failing to conduct an internal review within 40 working days, it contravened the requirements of Regulation 11 of the EIR. No steps are required.

Section of Act/EIR & Finding: EIR 5 - Complaint Upheld, EIR 11 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld

Blackburn with Darwen Teaching Care Trust Plc

Case Ref: FS50454728

Date: 05/12/2012

Summary: The complainant requested information about the public authority's decision to decommission certain podiatry services. The public authority initially refused the request under section 14 of the FOIA. The Information Commissioner disagreed that the request was vexatious and consequently the public authority agreed to disclose the requested information to the complainant during the investigation. The complainant disputed that the public authority had disclosed all the information that it held. The Commissioner's decision is that the public authority initially failed to comply with section 1(1)(a) of the FOIA, because it had inappropriately relied on section 14. However, following his intervention the Commissioner is satisfied that the public authority has now complied with the requirements of section 1 of the FOIA and has not ordered it to take any steps.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld

[View a PDF of decision notice FS50454728](#)

Merton London Borough Council

Case Ref: FER0435640

Date: 29/11/2012

Summary: The complainant requested information relating to the council's road and footpath renewal programme. After initially responding under the FOI Act the Commissioner issued a decision notice requiring the council to consider the request under the Regulations. Merton Council responded stating that section 12(4)(b) was applicable (that the request was manifestly unreasonable). It did provide some information in response to the request and stated that other information was not held. The complainant narrowed his request. The council then provided further information but maintained that some information was not held and that other information was exempt under Regulation 12(4)(b). The complainant argues that the council must hold further information which should be disclosed to him. The Commissioner's decision is that Merton Council was correct to apply Regulation 12(4)(b) in response to part 4 of the request. The council considered part 1 of the request to have been narrowed by the complainant when finding that no further information is held. The Commissioner's decision is that council was correct to consider that the complainant had narrowed his request. The Commissioner is satisfied that, other than for part 4 of the request, on a balance of probability the council does not hold further information falling within the scope of this request.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

Health Professions Council

Case Ref: FS50455454

Date: 29/11/2012

Summary: The complainant has requested information relating to a transcript of a hearing carried out by the Health Care Professions Council (HCPC). The Commissioner notes that the Health Professions Council changed its name to the Health Care Professions Council on 1 August 2012. This decision notice with therefore refer to the Health Care Professions Council (HCPC) throughout for consistency. The Commissioner's decision is that the HCPC has incorrectly applied section 14 of the FOIA. However the Commissioner has also considered section 1 of the FOIA with regard to whether the information requested is held by the HCPC. He is satisfied that this information is not held and therefore the HCPC has complied with section 1(1)(a). The Commissioner does not require the public authority to take any steps.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld, FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50455454](#)

Department for Transport

Case Ref: FS50460634

Date: 28/11/2012

Summary: The complainant requested workplace contact details of a Department for Transport (DfT) official. The DfT refused to disclose this information and cited the exemption provided by section 40(2) (personal information) of the FOIA. The Commissioner's decision is that the DfT cited the exemption provided by section 40(2) incorrectly and that this information should have been disclosed. The Commissioner requires the public authority to disclose to the complainant the requested information.

Section of Act/EIR & Finding: FOI 40 - Complaint Upheld

[View a PDF of decision notice FS50460634](#)

Bristol NHS Primary Care Trust

Case Ref: FS50449652

Date: 26/11/2012

Summary: The complainant requested from Bristol NHS Primary Care Trust ("NHS Bristol") information that its Director of Commissioning had received from local NHS Trusts concerning their pathology services. NHS Bristol refused to provide the requested information on the basis that the request was vexatious under section 14. The Commissioner's decision is that NHS Bristol

has correctly applied section 14 to the request. Information Tribunal appeal number EA/2012/0262 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50449652](#)

Devon and Cornwall Constabulary

Case Ref: FS50402849

Date: 22/11/2012

Summary: The complainant has requested information concerning police investigations into allegations that he had made about fraud and false conveyancing of land. Devon & Cornwall Police originally refused to confirm or deny whether it held the information requested under section 40(5) of the FOIA. Devon & Cornwall Police latterly applied section 14(1) (vexatious request) of the FOIA to a further similar request by the complainant. The Commissioner's decision is that Devon & Cornwall Police (the Police) have handled both requests in accordance with the FOIA and requires no further steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50402849](#)

Her Majestys Revenue and Customs

Case Ref: FS50458562

Date: 15/11/2012

Summary: The complainant has requested information relating to the business engagements of Her Majesty's Revenues and Customs (HMRC) board members during the three financial years ending 31 March 2011 and in the period 1 April 2011 to the present time. HMRC refused to comply with the request as it viewed the request to be vexatious. HMRC cited section 14(1) of the Freedom of Information Act (FOIA) as its grounds for refusal. The Commissioner's decision is that HMRC has correctly applied section 14(1) of the FOIA and that the request is vexatious. The Commissioner does not require the public authority to take any steps in this matter.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50458562](#)

West Felton Parish Council

Case Ref: FS50459426

Date: 15/11/2012

Summary: The complainant requested various information concerning the operation of West Felton Parish Council (the Council). The Council did not

provide a valid response to these requests. The Commissioner's decision is that the Council has breached sections 1 and 10 of the FOIA in that it failed to provide a valid response to the requests within 20 working days of receipt. The Commissioner requires the Council provide a response to the requests that complies with section 1 of the FOIA. This response should, unless a provision removing that obligation is claimed, confirm or deny whether recorded information falling within the scope of each of the requests is held. In relation to any information that is held, this should either be disclosed, or reasoning valid for the purposes of the FOIA should be given as to why this information will not be disclosed.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 10 - Complaint Upheld

[View a PDF of decision notice FS50459426](#)

NHS Bedfordshire

Case Ref: FS50455021

Date: 08/11/2012

Summary: The complainant has requested information relating to healthcare for patients who have or are thought to have ME/CFS. The Commissioner's decision is that NHS Bedfordshire has not applied section 14 correctly. In addition, the Commissioner has found NHS Bedfordshire to be in breach of section 10(1) of the FOIA for failing to respond to the request within 20 working days. The Commissioner requires the public authority to provide the complainant with a response to his request which complies with the requirements of section 1(1) of FOIA or issue a valid refusal notice complying with section 17(1) of the FOIA.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50455021](#)

Civil Service Commission

Case Ref: FS50451470

Date: 07/11/2012

Summary: The complainant has requested information from the Civil Service Commissioner (CSC) about sackings of civil servants who have raised complaints to CSC, as well as information about CSC's failings in handling complaints. CSC refused the request on the grounds that it was vexatious. The Commissioner's decision is that CSC was correct to find the request vexatious. The Commissioner does not require any action to be taken. Information Tribunal appeal EA/2012/0246 struck out.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50451470](#)

Upshire Primary Foundation School

Case Ref: FS50453433

Date: 01/11/2012

Summary: The complainant requested minutes for any meetings in which the Final Audit Report of Upshire Primary Foundation School ('the school') 2011/12 was discussed. The school refused to comply with the request as it viewed the request to be vexatious. The school cited section 14(1) of the Freedom of Information Act (FOIA) as its grounds for refusal. The Commissioner's decision is the school has correctly applied section 14(1) of the FOIA and that the request is vexatious. The Commissioner does not require the public authority to take any steps in this matter.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50453433](#)

Animal Health and Veterinary Laboratories Agency

Case Ref: FS50409905

Date: 08/10/2012

Summary: The complainant has requested the disclosure of the Animal Health Operation Manual (the "manual"). The Animal Health Veterinary Laboratories Agency (the "AHVLA") confirmed it held the relevant information but refused the request under regulation 12(4)(c), "request formulated in too general a manner" and 12(4)(b) as manifestly unreasonable". It also claimed that even if these exceptions did not apply disclosure of the manual would result in the release of internal communications (regulation 12(4)(e)). The Commissioner's decision is that the AHVLA has incorrectly applied the provisions of regulation 12(4)(c) and 12(4)(b) to the complainant's request and, by its refusal of the request, has not dealt with the request in accordance with the requirements of the EIR. He has not at this stage considered the application of regulation 12(4)(e). This is in order to allow the AHVLA the right to appeal against his decision on its primary case that the request is for too large a volume of information for it to be expected to answer. The Commissioner requires the public authority respond to the request in compliance with the requirements of regulation 5(1) of the Environmental Information Regulations 2004, by either providing the information or issuing a refusal notice relying upon provisions other than regulation 12(4)(b) or 12(4)(c). Should the AHVLA, upon considering the information in detail, find that any of it is not environmental information as defined by regulation 2(1) then it should either provide that information or issue a refusal notice relying upon a provision of FOIA, in accordance with the requirements of section 17 of FOIA.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Upheld, EIR 12.4.c - Complaint Upheld

[View a PDF of decision notice FS50409905](#)

East Riding of Yorkshire Council

Case Ref: FS50431952

Date: 02/10/2012

Summary: The complainant has requested information relating to the declaration of interests for a named former senior council officer from the commencement of their employment, but prior to copies of more recent declarations already obtained by him. He also requested information relating to the marital arrangements of two former senior council officers. The request was refused as vexatious by the public authority. The Commissioner's decision is that East Riding of Yorkshire Council has incorrectly refused the request as vexatious. The Commissioner requires the public authority to provide the complainant with a response to his request which complies with the requirements of section 1 of FOIA.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50431952](#)

Transport for London

Case Ref: FS50453960

Date: 01/10/2012

Summary: The complainant made a number of requests for information to Transport for London ("TfL"). TfL considered that some of the requests were vexatious and relied on section 14(1) of the FOIA. The Commissioner considers that the requests were vexatious and that section 14(1) was correctly engaged. The Commissioner does not require the public authority to take any steps. Information Tribunal appeal EA/2012/0218 struck out.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50453960](#)

West Yorkshire Police

Case Ref: FS50457088

Date: 01/10/2012

Summary: The complainant requested information relating to various crime statistics. West Yorkshire Police did not respond to the request until 58 working days after receiving it. The complainant requested that a decision notice be issued by the Information Commissioner recording the delay. The Commissioner's decision is that West Yorkshire Police has breached section 10(1) but no further action is required.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld

[View a PDF of decision notice FS50457088](#)

Home Office

Case Ref: FS50434971

Date: 27/09/2012

Summary: The complainant has requested from the Identity and Passport Service (IPS) of the Home Office information about passport applications, complaints handling and complaints made about IPS to PHSO (Parliamentary and Health Service Ombudsman). The Commissioner's decision is that the Home Office incorrectly applied section 14(1) of the Freedom of Information Act (the Act) to the complainant's request. The complainant has now received responses to both the request of 14 November 2011 and the clarification of 12 December 2011, due to the intervention of the Commissioner. The Commissioner does not require the Home Office to take any steps to ensure compliance with the legislation.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50434971](#)

Islington Council

Case Ref: FS50437483

Date: 27/09/2012

Summary: The complainant requested information from the London Borough of Islington ("the council") relating to major works, external repairs 2010-2011 to a named block of flats in Islington. The council refused to respond to the request because it considered that it was vexatious under section 14(1) and section 14(2) of the Freedom of Information Act 2000 ("the FOIA"), the exclusion relating to vexatious and repeated requests. The Commissioner's decision is that the council correctly refused to respond to the request by citing section 14(1) of the FOIA. The Commissioner does not require any steps to be taken. Information Tribunal appeal number EA/2012/0226 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50437483](#)

Driving Standards Agency

Case Ref: FS50448913

Date: 26/09/2012

Summary: The complainant has requested information relating to Equality impact assessments of DPA/FOI and dismissal processes. The Commissioner's decision is that the Driving Standards Agency (the 'DSA') has correctly applied section 14 of the FOIA. The Commissioner does not require the public authority to take any steps.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50448913](#)

Northern Ireland Water

Case Ref: FS50409186

Date: 26/09/2012

Summary: The complainant made a freedom of information request to Northern Ireland Water for correspondence sent by named employees to officials within Northern Ireland's Department for Regional Development as well as information regarding procurement breaches within the company. Northern Ireland Water disclosed some information falling within the scope of the request but withheld other information by relying on the section 40 (personal information) and section 43 (commercial interests) exemptions. During the course of the Commissioner's investigation Northern Ireland Water said that it also wished to apply section 14(1) on the grounds that the request was vexatious. The Commissioner's decision is that the request is vexatious within the meaning of section 14(1) and Northern Ireland Water was not obliged to comply with it. However, the Commissioner also found that in its handling of the request Northern Ireland Water breached sections 17(1) and 17(5) (Refusal of a request). The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50409186](#)

Council for the Curriculum Examinations and Assessment

Case Ref: FS50435465

Date: 19/09/2012

Summary: The complainant requested information regarding communications with respect to the summer 2011 GCE mathematics papers and in particular question 4 of the mechanics M2 paper. He also requested a copy of the expert's report which followed the review of statistics papers in 1998-2002. He explained that he understood that this contains three recommendations which were made following the review, but, if not, he required the document which does contain these recommendations. The Council for the Curriculum Examinations and Assessment ("CCEA") refused to deal with this request on the grounds that it was vexatious (section 14). The Commissioner's decision is CCEA has incorrectly relied on section 14(1) in this particular case. The Information Commissioner requires CCEA to respond to the complainant's request for information as required by section 1(1) of the FOIA. CCEA must either comply with section 1(1) of the FOIA or issue a valid refusal notice complying with section 17(1) of the FOIA.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50435465](#)

Haringey London Borough Council

Case Ref: FS50437448

Date: 18/09/2012

Summary: The complainant has requested copies of minutes of a meeting held between Haringey Council and a residents' campaign group on 8 September 2011. Also requested were records of meetings and emails between Haringey Council's Resident Involvement Group and the parties involved in that campaigning group in January and February 2012. Haringey Council responded, disclosing the minutes of the specified meeting but refusing to disclose the emails on the grounds that these are personal data, and exempt from disclosure under section 40(2) of FOIA. The Commissioner's decision is that the requested information is personal data, but Haringey Council has incorrectly withheld the emails as disclosure would not contravene the data protection principles. The Commissioner requires the public authority disclose the withheld information. The names and contact details of private individuals may remain withheld and should be redacted, but names and business contact details for the public authority's own staff should be disclosed.

Section of Act/EIR & Finding: FOI 40 - Complaint Upheld

[View a PDF of decision notice FS50437448](#)

Devon and Cornwall Constabulary

Case Ref: FS50442276

Date: 18/09/2012

Summary: The complainant has requested information that relates to complaints he has made. The public authority has stated that the request is vexatious under section 14(1) of the FOIA. The Information Commissioner finds the request to be vexatious and, furthermore, he considers that any information would be the complainant's 'personal data'. This is because any information held would all relate to complaints he has made and it is therefore also exempt by virtue of the exemption at section 40(1). The exemption provided by section 40(5)(b)(i) should therefore have been applied which means that the public authority was not required to confirm or deny whether it holds any information under the Act. The Information Commissioner does not require the public authority to take any steps. Information Tribunal appeal EA/2012/0214 struck out.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50442276](#)

Royal Borough of Windsor and Maidenhead

Case Ref: FS50441183

Date: 12/09/2012

Summary: The complainant submitted four requests to Royal Borough of Windsor & Maidenhead Council (the Council) concerning the subject of advertisements he wished to display in order to promote his business. The Council has refused to comply with the requests on the basis of regulation 12(4)(b) of the Environmental Information Regulations because it considers them to be manifestly unreasonable. The Commissioner has concluded that the requests are manifestly unreasonable and therefore the Council is entitled to rely on regulation 12(4)(b) as a basis to refuse to answer them. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FS50441183](#)

Oxleas NHS Foundation Trust

Case Ref: FS50451031

Date: 11/09/2012

Summary: The complainant requested information from Oxleas NHS Foundation Trust (the Trust) related to the conditions of patients and their treatments within a number of requests. The Trust has applied section 14(1) of the FOIA (vexatious requests) to those requests. The Information Commissioner's decision is that the Trust has correctly applied section 14(1) of the FOIA. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50451031](#)

Cabinet Office

Case Ref: FS50421116

Date: 10/09/2012

Summary: The complainant wrote to the Cabinet Office ("the CO") and addressed his FOIA requests to the Minister for Cabinet Office. His first request (8 January 2011) concerned the responsibilities of the CO and his second request (18 March 2011) asked for details of the training received by the Parliamentary Counsel staff on the Big Society. The CO relied on section 14 (Vexatious requests) to refuse to provide the requested information. The Information Commissioner's decision is that the CO appropriately applied section 14 of the FOIA in both cases. However, the Commissioner finds the CO in breach of section 17(5) in not responding to the complainant's requests within 20 working days of the requests. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50421116](#)

Cabinet Office

Case Ref: FS50426550

Date: 10/09/2012

Summary: The complainant wrote to the Cabinet Office ("the CO") and addressed his FOIA requests to the Minister for Cabinet Office. His first request (8 January 2011) concerned the responsibilities of the CO and his second request (18 March 2011) asked for details of the training received by the Parliamentary Counsel staff on the Big Society. The CO relied on section 14 (Vexatious requests) to refuse to provide the requested information. The Information Commissioner's decision is that the CO appropriately applied section 14 of the FOIA in both cases. However, the Commissioner finds the CO in breach of section 17(5) in not responding to the complainant's requests within 20 working days of the requests. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50426550](#)

North Yorkshire Police

Case Ref: FS50448626

Date: 10/09/2012

Summary: The complainant has requested information about revenue received by the public authority from what she termed 'all sources'. The public authority found the request to be vexatious. The Information Commissioner has considered the request and has not found it to be 'vexatious'. He therefore requires the public authority comply with section 1(1) of the FOIA or issue a valid refusal notice complying with section 17(1).

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50448626](#)

Department for Environment Food and Rural Affairs

Case Ref: FS50432304

Date: 28/08/2012

Summary: The complainant has requested information about awards made under the current Regional Development Programme for England (RDPE) funding scheme in Lincolnshire, Nottinghamshire and Leicestershire. DEFRA refused to comply with the request relying on section 14(1) of the FOIA. The Commissioner's decision is that DEFRA has incorrectly applied section 14(1) of the FOIA. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: if information is held and no

exemption from section 1(1)(a) is claimed, disclose the information or issue a refusal notice compliant with section 17(1) citing a Part II exemption from the section 1(1)(b) duty.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50432304](#)

West Mercia Police

Case Ref: FS50440984

Date: 22/08/2012

Summary: The complainant has requested information about Hagley Partners and Communities Together ("PACT"). The public authority refused the request on the grounds that it was vexatious. The Information Commissioner's decision is that the public authority breached the FOIA in providing a late response but that it was correct to find it vexatious. He does not require the public authority to take any steps.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50440984](#)

West Yorkshire Police

Case Ref: FS50447058

Date: 22/08/2012

Summary: The complainant has requested information about revenue received by the public authority from what she termed 'private investigative services'. The public authority eventually relied on section 12 to withhold the information and the complainant did not ask it to internally review this aspect of its response. However, she did complain to the Information Commissioner about the length of time taken by the public authority to respond to her request and he finds that it did breach the Act. The Information Commissioner does not require the public authority to take any steps.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50447058](#)

West Yorkshire Police

Case Ref: FS50456199

Date: 22/08/2012

Summary: The complainant has requested information about revenue received by the public authority from what she termed 'all sources'. The public authority relied on section 12 to withhold the information. The complainant did not ask it to reconsider this aspect of its response, however, she did complain about the

length of time taken by the public authority to respond to her request. The Information Commissioner finds that the public authority did breach the FOIA but he does not require the public authority to take any steps.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50456199](#)

Attorney Generals Office

Case Ref: FS50447650

Date: 16/08/2012

Summary: The complainant requested information about an official in the Attorney General's Office (AGO). The AGO refused to comply with the request relying on section 14(1) of FOIA. The Commissioner's decision is that the AGO was entitled to rely on section 14. He requires no steps to be taken. Information Tribunal appeal EA/2012/0197 struck out.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50447650](#)

Northumbria Police

Case Ref: FS50435644

Date: 15/08/2012

Summary: The complainant requested information in connection with correspondence received from the Crown Prosecution Service (the "CPS"). The public authority initially advised the complainant that his request was 'vexatious' and further explained that some of the information might be his 'personal data'. During the Information Commissioner's investigation the public authority changed its position and relied only on sections 40(1) and (2). The Information Commissioner considers that any information would be the complainant's 'personal data' as it would all relate to correspondence about him. It would therefore be exempt by virtue of the exemption at section 40(1). Furthermore, the exemption provided by section 40(5)(b)(i) should have been applied which means that the public authority was not required to confirm or deny whether it holds any information under the Act. As the complainant has already been advised how to make a request for his personal data the Information Commissioner does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50435644](#)

Islington Council

Case Ref: FS50437482

Date: 13/08/2012

Summary: The complainant requested information from the London Borough of Islington ("the council") relating to charges to residents of flats. The council refused to respond to the requests because it considered that they were vexatious under section 14(1) of the Freedom of Information Act 2000 ("the FOIA"), the exclusion relating to vexatious requests. The Commissioner's decision is that the council correctly refused to respond to the requests using section 14(1) of the FOIA. The Commissioner does not require any steps to be taken. Information Tribunal appeal number EA/2012/0228 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50437482](#)

Islington Council

Case Ref: FS50430435

Date: 13/08/2012

Summary: The complainant requested information from the London Borough of Islington ("the council") relating to charges to residents of flats. The council refused to respond to the requests because it considered that they were vexatious under section 14(1) of the Freedom of Information Act 2000 ("the FOIA"), the exclusion relating to vexatious requests. The Commissioner's decision is that the council correctly refused to respond to the requests using section 14(1) of the FOIA. The Commissioner does not require any steps to be taken. EA/2012/0228

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50430435](#)

Islington Council

Case Ref: FS50430436

Date: 13/08/2012

Summary: The complainant requested information from the London Borough of Islington ("the council") relating to charges to residents of flats. The council refused to respond to the requests because it considered that they were vexatious under section 14(1) of the Freedom of Information Act 2000 ("the FOIA"), the exclusion relating to vexatious requests. The Commissioner's decision is that the council correctly refused to respond to the requests using section 14(1) of the FOIA. The Commissioner does not require any steps to be taken. Information Tribunal appeal number EA/2012/0228 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50430436](#)

Health and Safety Executive

Case Ref: FER0411868

Date: 07/08/2012

Summary: The complainant has requested various pieces of information relating to the development of an underground gas storage facility. The Health and Safety Executive (the "HSE") provided some information, but withheld some information on the basis that its disclosure would adversely affect national security or public safety [regulation 12(5)(a)]. It also applied the exception for the personal information of third parties [regulations 12(3) and 13(2)]. The complainant complained about the use of these exceptions, and also argued that the HSE had not identified all the relevant information that would fall under this request. During the investigation of this case, the complainant provided further details as to the scope of his request. Having been provided with this, the HSE informed the Commissioner that it was now treating the request as manifestly unreasonable [regulation 12(4)(b)]. The Commissioner's decision is that the HSE has incorrectly applied regulation 12(4)(b) to this request. Therefore the Commissioner requires the HSE to respond to the request in compliance with the requirements of regulation 5(1) of the EIR.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Upheld

[View a PDF of decision notice FER0411868](#)

CDC Group plc

Case Ref: FS50433872

Date: 06/08/2012

Summary: The complainant has requested copies of documents held by CDC Group plc (CDC) in relation to a report about a named company investing in Nigeria. The Commissioner's decision is that CDC has correctly applied the exemption where the cost of compliance exceeds the appropriate cost limit as set out in section 12(1) FOIA and the accompanying regulations. However, CDC then unreasonably refused to provide advice and assistance as required by section 16(1) FOIA. The Commissioner requires CDC to take reasonable steps to advise and assist the complainant with a view to refining his information request.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld, FOI 16 - Complaint Upheld

[View a PDF of decision notice FS50433872](#)

Department for Transport

Case Ref: FS50443225

Date: 06/08/2012

Summary: The complainant has requested information from the Department for Transport (DfT) relating to the use of airport security scanners (scanners). The Commissioner considers that these requests relate to similar matters dealt with in a previous decision notice and therefore the analysis and conclusions

reached in that previous notice are applicable in this instance. The Commissioner's decision is that the DfT was correct to deem the requests considered here as vexatious for the purposes of section 14(1) of the FOIA. Furthermore, the Commissioner has concluded that under section 17(6) of the FOIA (further refusal notice not required) the DfT was entitled not to issue refusal notices in respect of the requests. In view of the above, he does not require the DfT to take any further action. Information Tribunal appeal number EA/2012/0185 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50443225](#)

Royal Brompton and Harefield NHS Foundation Trust

Case Ref: FS50444760

Date: 06/08/2012

Summary: The complainant has requested information on the subject of isolated mitral valve repair and replacement operations performed at the Trust over a three year period. The Trust provided some information but withheld other information under section 40(2) of the FOIA. The Trust provided this information to the complainant during the Commissioner's investigation and the Trust therefore withdrew its application of section 40(2). The Commissioner's decision is that the Trust breached section 10(1) of the FOIA as it did not provide this information within the statutory time for compliance. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld

[View a PDF of decision notice FS50444760](#)

Royal Liverpool and Broadgreen University Hospitals NHS Trust

Case Ref: FS50435332

Date: 02/08/2012

Summary: The complainant requested information held by the Royal Liverpool and Broadgreen University Hospitals NHS Trust (the 'Trust') concerning a doctor recorded on the complainant's medical notes. The Information Commissioner's decision is that the Trust holds no recorded information within the scope of the request. The Information Commissioner (the 'Commissioner') requires no steps to be taken. Information Tribunal appeal EA/2012/0176 struck out.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50435332](#)

Royal Liverpool and Broadgreen University Hospitals NHS Trust

Case Ref: FS50437393

Date: 02/08/2012

Summary: The complainant requested information from the Royal Liverpool and Broadgreen University Hospitals NHS Trust (the 'Trust') concerning an unidentified doctor and an operation performed on the complainant by the Trust. The Trust has applied section 14(1) of the FOIA (vexatious requests) to a number of requests by the complainant seeking such information. The Information Commissioner's decision is that the Trust has correctly applied section 14(1) of the FOIA. The Commissioner requires no steps to be taken. Information Tribunal appeal EA/2012/0177 struck out.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50437393](#)

Leicester City Council

Case Ref: FS50422872

Date: 01/08/2012

Summary: The complainant requested information about whether a named club (the club) had registered a specified event with Leicester City Council (the council) and whether a premises licence was held in respect of the club. The information request was the latest in a longstanding series of correspondence between the complaint and the council on connected matters. The Information Commissioner's decision is that Leicester City Council (the council) incorrectly relied on section 14(1) in this particular case. The Information Commissioner requires the council to respond to the complainant's request for information as required by section 1(1) FOIA. The council must either comply with section 1(1) FOIA or issue a valid refusal notice complying with section 17(1) FOIA. Information Tribunal appeal EA/2012/0189 allowed.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50422872](#)

Police Service of Northern Ireland

Case Ref: FS50430305

Date: 31/07/2012

Summary: The complainant requested information relating to specified police investigations. The Police Service of Northern Ireland (the PSNI) refused to confirm or deny whether it held the requested information under sections 23(5), 24(2), 30(3) and 40(5)(a). The Commissioner's decision is that the PSNI was entitled to refuse the request under the exemptions cited. The Commissioner does not require the public authority to take any steps in

relation to the request.

Section of Act/EIR & Finding: FOI 23 - Complaint Not upheld, FOI 24 - Complaint Not upheld, FOI 30 - Complaint Not upheld, FOI 31 - Complaint Not upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50430305](#)

Police Service of Northern Ireland

Case Ref: FS50433759

Date: 31/07/2012

Summary: The complainant requested information relating to a police investigation. The Police Service of Northern Ireland (the PSNI) confirmed that it held some relevant information but withheld it in reliance on the exemption at section 30(1)(a) of the FOIA. The PSNI refused to confirm or deny whether it held any information which would be the complainant's personal data under section 40(5). The PSNI also refused to confirm or deny whether it held any information relevant to one part of the request under sections 23(5) and 24(2) of the FOIA. The Commissioner's decision is that the PSNI was entitled to refuse the request. The Commissioner does not require the PSNI to take any further steps in relation to the request.

Section of Act/EIR & Finding: FOI 23 - Complaint Not upheld, FOI 24 - Complaint Not upheld, FOI 30 - Complaint Not upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50433759](#)

Lancashire Constabulary

Case Ref: FS50425760

Date: 31/07/2012

Summary: The complainant requested copies of communications between Lancashire Constabulary and Northumbria Police. Lancashire Constabulary said that it did not hold some of the requested information, and refused to confirm or deny whether it held the remainder under section 40(5) of the FOIA. The Commissioner's decision is that Lancashire Constabulary handled the request in accordance with the FOIA, and requires no further steps to be taken.

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50425760](#)

Northumbria Police

Case Ref: FS50435642

Date: 30/07/2012

Summary: The complainant has requested information about any copyright complaints the public authority has referred to 'facebook'. The public authority

initially concluded that it did not hold the requested information and explained why this was the case. During the investigation the public authority alternatively sought to rely on section 12. The Information Commissioner's decision is that the public authority has correctly stated that to ascertain if it holds any data would exceed the appropriate limit. He does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld

[View a PDF of decision notice FS50435642](#)

Powysland Internal Drainage Board

Case Ref: FER0407151

Date: 25/07/2012

Summary: The complainant requested a current copy of the 25" OS plans showing the Board's maintained drains, ditches, water courses etc. The Board initially refused to provide the information stating that it was against copyright rules. It also offered the complainant access to inspect the maps on its premises however the complainant considered this alternative as impractical. PIDB subsequently refused the request on the basis of section 14(1) of the Act. Following the Commissioner's determination that section 14(1) was not engaged and that the information should have been considered under the EIR, the Board then cited regulation 12(4)(b) on the basis that the excessive costs required to comply with the request made it manifestly unreasonable. During the course of the Commissioner's investigation it became clear that regulation 12(4)(b) could not apply as the Board did have electronic copies of the maps. However, PIDB continued to refuse the request, citing regulation 13 of the EIR on the basis that it could not provide it without redacting third party personal information. The Commissioner's decision is that PIDB has breached regulation 6 of the EIR by not providing the information in the form and format requested by the complainant. The Commissioner also considers that regulation 13 of the EIR is not engaged. The Commissioner requires the public authority to provide an electronic copy of the maps to the complainant.

Section of Act/EIR & Finding: EIR 6 - Complaint Upheld, EIR 13 - Complaint Upheld

[View a PDF of decision notice FER0407151](#)

Northumbria Police

Case Ref: FS50435643

Date: 25/07/2012

Summary: The complainant has requested information concerning any press statements that the public authority has made concerning copyright complaints in May and June 2011. The public authority provided the information but the complainant did not accept that he had been given all the information held. The Information Commissioner's decision is that the public authority has

complied with the request and he does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50435643](#)

English Heritage

Case Ref: FER0445314

Date: 17/07/2012

Summary: The complainant made a request to English Heritage for all written material in relation to structures affected by the redevelopment of London Bridge Railway Station, namely the South Eastern Railway Offices (SER Offices), the Charles Henry Driver trainshed and the flank wall on St Thomas Street. The Commissioner's decision is that English Heritage was entitled to rely on the exception under regulation 12(4)(b) of the EIR to the extent that the complainant's request was a repeated request for information that has already been disclosed to the complainant. He considers that the public interest in maintaining the exception outweighs the public interest in disclosing the information to the extent that the request amounted to a repeated request for information. To the extent that the scope of the complainant's request goes beyond the information that has been disclosed to the complainant, the Commissioner does not consider that the exception under regulation 12(4)(b) of the EIR is engaged. The Commissioner requires English Heritage to respond to the complainant's request of 25 February 2012 either providing any information within the scope of the request that has not previously been provided to the complainant or issuing a valid refusal notice under regulation 14 of the EIR citing an exception other than regulation 12(4)(b) of the EIR.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Partly Upheld

[View a PDF of decision notice FER0445314](#)

Long Sutton Parish Council

Case Ref: FS50448990

Date: 17/07/2012

Summary: The complainant made two requests to Long Sutton Parish Council (the council) on 22 September 2011 and 27 October 2011 for information relating to the council's allotments and the number of burials in the parish cemetery. The council initially failed to respond to either of the complainant's requests. Following the Commissioner's involvement in the matter the council responded withholding the requested information under section 14 on the basis that the requests were vexatious. The Commissioner finds that the council inappropriately applied section 14(1) as a reasonable public authority could not find either of the requests vexatious. In addition to this, the Commissioner considers that the request dated 22 September 2011 is for environmental information, and accordingly he finds that the council could not rely on regulation 12(4)(b) as the request could not be considered manifestly

unreasonable by a reasonable public authority. Due to the delay in issuing a refusal notice in respect of both requests, the Commissioner also finds that the council breached section 17(5) of the FOIA and regulation 14(2) of the EIR. The Commissioner requires the council to reconsider the requests and either provide the requested information or issue a valid refusal notice which complies with section 17 of the FOIA or regulation 14 of the EIR as appropriate.

Section of Act / EIR & Finding: FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld, EIR 12.4.b - Complaint Upheld, EIR 14 - Complaint Upheld
[View a PDF of decision notice FS50448990](#)

Dorset Police

Case Ref: FS50433957

Date: 12/07/2012

Summary: The complainant requested information on the costs involved with the 'Driver Awareness Scheme' operated by Dorset Police ("the Constabulary"). The Constabulary initially refused the request by relying on section 12(1) of the FOIA and stated that the cost of complying with the request would exceed the appropriate limit as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. In its internal review the Constabulary revised its response and refused to comply with the request because it considered it to be vexatious under section 14(1) of the FOIA. The Commissioner's decision is that the Constabulary correctly determined the request to be vexatious. There are no steps to be taken. Information Tribunal appeal number EA/2012/0163 dismissed.

Section of Act / EIR & Finding: FOI 14 - Complaint Not upheld
[View a PDF of decision notice FS50433957](#)

Redbridge London Borough Council

Case Ref: FS50431783

Date: 09/07/2012

Summary: The complainant requested information relating to the way in which the London Borough of Redbridge ("the council") handled a previous information request. The council initially said that the request was vexatious under section 14(1) of the Freedom of Information Act 2000 ("the FOIA"). However, the council subsequently complied with the request following a separate decision notice issued by the Commissioner. The council withheld some information on the basis that it was exempt under section 42(1) of the FOIA, the exemption relating to legal professional privilege. The complainant asked the Commissioner to make a decision on whether the council breached the FOIA by its initial reliance on section 14(1), whether it had incorrectly relied on section 42(1) and whether the council had identified all the relevant information that it held. The Commissioner's decision is that the council

correctly applied section 42(1) to some of the information. However, some information was also incorrectly withheld using this exemption and the Commissioner has ordered the disclosure of that information in this notice. The Commissioner found breaches of section 1(1) and 10(1) of the FOIA.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 42 - Complaint Partly Upheld

[View a PDF of decision notice FS50431783](#)

University of East Anglia

Case Ref: FER0418074

Date: 04/07/2012

Summary: The complainant made a request to the University of East Anglia (the University) for three items of information concerning tree ring research (dendrochronology). The University initially withheld all the information requested under regulation 6(1)(b) (information available to requester), regulation 12(4)(a) (information not held at time of request), regulation 12(4)(d) (material in course of completion) and regulation 12(5)(c) (intellectual property rights), but disclosed one of the items of information upon internal review. The University disclosed a further item of information to the complainant during the Commissioner's investigation, but maintained its reliance upon regulation 12(4)(d) and regulation 12(5)(c) with regard to the remaining item of information. The Commissioner considers that the University correctly applied regulation 12(4)(d) to the remaining information. Information Tribunal appeal number EA/2012/0156 dismissed.

Section of Act/EIR & Finding: EIR 12.4.d - Complaint Not upheld

[View a PDF of decision notice FER0418074](#)

Outwood Grange Academies Trust

Case Ref: FS50430286

Date: 26/06/2012

Summary: The complainant requested correspondence concerning the use of a charity account by Outwood Grange Academy (OGAT) and statements showing use of that account. He asked for information about bank accounts held by OGAT and about the resignations of trustees from the charity. He also requested details of spending with a specified law firm to deal with press inquiries and freedom of information requests and a record of payments to and from the school fund. OGAT refused to respond to this request under section 14(1) of the FOIA. The Commissioner's decision is that OGAT was incorrect to apply section 14(1) of the FOIA to these requests. Information Tribunal appeal number EA/2012/0153 withdrawn.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50430286](#)

Home Office

Case Ref: FS50434129

Date: 26/06/2012

Summary: The complainant requested information about the handling of a previous information request he had submitted to the Home Office. The previous request had resulted in full disclosure but had also met with a delay of two months which the complainant was dissatisfied with. The Home Office refused to comply with the request in this case on the grounds that it was vexatious. The Information Commissioner's (the Commissioner's) decision is that the Home Office was correct to refuse to comply with the request on the basis that section 14(1) applied. Information Tribunal appeal number EA/2012/0150 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50434129](#)

Northill Parish Council

Case Ref: FS50428929

Date: 25/06/2012

Summary: The complainant requested information relating to an area of land owned by Northill Parish Council ('the Council') adjacent to his property which he has previously attempted to purchase from the Council. The Council has refused to comply with the requests because it considered them to be vexatious under the FOIA and manifestly unreasonable under the EIR. The Commissioner's decision is that the Council correctly determined the requests to be manifestly unreasonable. The Commissioner finds the Council in breach of section 17(5) in not providing a refusal notice in accordance with section 10 of the FOIA and in breach of regulation 14 of the EIR. There are no steps to be taken. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50428929](#)

Greater London Authority

Case Ref: FS50431334

Date: 21/06/2012

Summary: The complainant requested information relating to the Mayor of London's official diary. The Greater London Authority (GLA) withheld the requested information citing the exemptions for personal information, health and safety, and prejudice to the effective conduct of public affairs (sections 40,

38 and 36). The Commissioner's decision is that the GLA has correctly withheld some of the requested information under sections 40 and 38 but the remainder was incorrectly withheld under sections 40 and 36. The Commissioner requires the public authority to disclose to the complainant the withheld information as set out in the Confidential Annex.

Section of Act/EIR & Finding: FOI 36 - Complaint Upheld, FOI 38 - Complaint Not upheld, FOI 40 - Complaint Partly Upheld

[View a PDF of decision notice FS50431334](#)

Liverpool Hope University

Case Ref: FS50431348

Date: 14/06/2012

Summary: The complainant has requested information about a senior lecturer at the University. The University refused to comply with the request relying on section 14(1) of the FOIA. The Commissioner's decision is that the University has correctly applied section 14(1) of the FOIA. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50431348](#)

Wandsworth Council

Case Ref: FS50432122

Date: 13/06/2012

Summary: The complainant has requested information relating to parking enforcement at Wandsworth Council ('the council'). The Commissioner considers that these requests relate to the same matter as a previous decision notice and therefore the analysis and conclusions reached in that previous notice are applicable in this instance. The Commissioner's decision is that the council was correct to apply the vexatious exclusion to these requests. However, it was in breach of its procedural obligations but the Commissioner does not require the council to take any further action. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Partly Upheld

[View a PDF of decision notice FS50432122](#)

Wandsworth Council

Case Ref: FS50435920

Date: 13/06/2012

Summary: The complainant has requested information relating to parking enforcement at Wandsworth Council ('the council'). The Commissioner

considers that these requests relate to the same matter as a previous decision notice and therefore the analysis and conclusions reached in that previous notice are applicable in this instance. The Commissioner's decision is that the council was correct to apply the vexatious exclusion to these requests. However, it was in breach of its procedural obligations but the Commissioner does not require the council to take any further action. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Partly Upheld

[View a PDF of decision notice FS50435920](#)

Wandsworth Council

Case Ref: FS50435926

Date: 13/06/2012

Summary: The complainant has requested information relating to parking enforcement at Wandsworth Council ('the council'). The Commissioner considers that these requests relate to the same matter as a previous decision notice and therefore the analysis and conclusions reached in that previous notice are applicable in this instance. The Commissioner's decision is that the council was correct to apply the vexatious exclusion to these requests. However, it was in breach of its procedural obligations but the Commissioner does not require the council to take any further action. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Partly Upheld

[View a PDF of decision notice FS50435926](#)

Wandsworth Council

Case Ref: FS50435916

Date: 13/06/2012

Summary: The complainant has requested information relating to parking enforcement at Wandsworth Council ('the council'). The Commissioner considers that these requests relate to the same matter as a previous decision notice and therefore the analysis and conclusions reached in that previous notice are applicable in this instance. The Commissioner's decision is that the council was correct to apply the vexatious exclusion to these requests. However, it was in breach of its procedural obligations but the Commissioner does not require the council to take any further action. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Partly Upheld

[View a PDF of decision notice FS50435916](#)

University of East Anglia

Case Ref: FER0385852

Date: 11/06/2012

Summary: The complainant made a series of requests to the University of East Anglia (UEA) for information concerning its Climatic research Unit (CRU) and the subsequent review into its conduct headed by Sir Muir Russell. The UEA responded to some of the complainant's requests but other requests were refused under various exceptions under the EIR. The Commissioner has investigated the UEA's handling of the complainant's requests and has found that the exceptions in regulations 12(4)(a) (Information not held), 12(4)(b) (Manifestly unreasonable), 12(5)(b) (Course of justice etc) and 12(5)(f) (Interests of confider of information) were applied correctly and the public interest in maintaining each exception outweighs the public interest in disclosure. Where the regulation 12(4)(e) (Internal communications) exception was applied the Commissioner found that some of the information was not covered by the exception and should be disclosed. Some information was found to be covered by the exception but the Commissioner decided that the public interest favoured disclosure. The Commissioner requires the public authority to disclose to the complainant the information falling within the scope of the second request which was withheld under the exception in regulation 12(4)(e) (Internal communications). Information Tribunal appeal number EA/2012/0142 has been disposed of by way of a consent order.

Section of Act/EIR & Finding: EIR 12.4.a - Complaint Not upheld, EIR 12.4.b - Complaint Not upheld, EIR 12.4.e - Complaint Partly Upheld, EIR 12.5.b - Complaint Not upheld

[View a PDF of decision notice FER0385852](#)

Nottingham City Council

Case Ref: FS50400156

Date: 11/06/2012

Summary: The complainant requested information in relation to the Audit Commission's report into the allocation of properties to council tenants and related matters at Nottingham City Council (the council) between 2003 and 2005. He also requested information concerning discussions between the council and Nottinghamshire Police (the police) about responsibility for investigating these matters. The Commissioner's decision is that the council was entitled to rely on section 12(1) of the FOIA (costs of compliance exceed the appropriate limit) to refuse to comply with the complainant's request. He considers that the council failed to provide advice and assistance in accordance with section 16 of the FOIA. The Commissioner requires the council to provide advice and assistance to allow the complainant to reformulate their request to bring it within the cost limit.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld, FOI 16 -

Complaint Not upheld

[View a PDF of decision notice FS50400156](#)

Cumbria Constabulary

Case Ref: FS50426097

Date: 31/05/2012

Summary: The complainant has requested information about how the public authority dealt with one of his information requests. The public authority neither confirmed nor denied, by virtue of section 40(5), processing what would be his personal data. The Information Commissioner's decision is that the public authority correctly cited this exemption and he does not require it to take any steps.

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50426097](#)

Durham Constabulary

Case Ref: FS50440482

Date: 31/05/2012

Summary: The complainant has requested information about how the public authority dealt with one of his previous requests made under the FOIA. The public authority initially found this request to be "vexatious" under section 14 of the FOIA; however, during the Information Commissioner's investigation it advised that it now wished to rely on section 40(5) of the FOIA. The Information Commissioner agrees that the information, if held, would constitute the complainant's personal data and that the public authority should have cited section 40(5). The Information Commissioner does not require the public authority to take any steps.

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50440482](#)

Hertfordshire Constabulary

Case Ref: FS50441123

Date: 31/05/2012

Summary: The complainant has requested information about how the public authority dealt with one of his previous requests made under the FOIA. The public authority initially found this request to be "vexatious" under section 14 of the FOIA; however, during the Information Commissioner's investigation it advised that it now wished to rely on section 40(5) of the FOIA. The Information Commissioner agrees that the information, if held, would constitute the complainant's personal data and that the public authority should have cited section 40(5). The Information Commissioner does not require the

public authority to take any steps.

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50441123](#)

Sunderland City Council

Case Ref: FS50395302

Date: 28/05/2012

Summary: The complainant requested the name of a person who ordered a council officer not to speak to him. The council initially applied section 14 to the request as it stated that the request was vexatious. It says it did this based on the view that the complainant already knew that no information was held which could answer his request. However the Commissioner considered the correspondence provided to him and told the council that he did not consider that the council had clearly stated to the complainant that no information was held. The council then withdrew its reliance on section 14 and issued a new notice, clarifying that no information was held. The Commissioner's decision is that Sunderland Council breached the section 10(1) of the Act in that it did not respond within 20 working days of the receipt of the complainant's request. He also finds that on a balance of probabilities no information is held by the council which could respond to the complainant's request.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld

[View a PDF of decision notice FS50395302](#)

Ministry of Defence

Case Ref: FS50436416

Date: 28/05/2012

Summary: The complainant requested information about legal costs paid by the Ministry of Defence (MOD) to named solicitors with regard to personal injury claims linked to the Porton Down volunteers. The complainant contacted the Information Commissioner (the Commissioner) after he did not receive a response from the MOD. The MOD explained to the Commissioner that the complainant's previous request concerning Porton Down had been deemed vexatious and a refusal under section 17(5) of the FOIA had been issued. The Commissioner's decision is that the MOD correctly applied section 14(1) to the previous request and correctly relied upon section 17(6) when not responding to further related correspondence. The Commissioner does not require the MOD to take any further remedial steps. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50436416](#)

Blagdon Parish Council

Case Ref: FS50425834

Date: 28/05/2012

Summary: The complainant requested financial information from Blagdon Parish Council ("the council"). The council provided some information and said that other information was already available, not available or had been withheld because it was exempt personal information in accordance with section 40(2). In a follow up request, the complainant expressed dissatisfaction with the response provided and made further requests. The council said that this further correspondence was vexatious in accordance with section 14(1) of the Freedom of Information Act 2000 ("the FOIA"). The Commissioner's decision is that the council correctly relied on section 40(2) and 14(1). However, in relation to the first request, the Commissioner found that the council had failed to identify some relevant information and had incorrectly withheld some information. The Commissioner requires the public authority to disclose to the complainant the information provided to the council's external auditor headed "Explanation of variances – proforma" and disclose to the complainant the breakdown that was prepared in October 2010 apart from the information in this document showing financial figures relating to the clerk's pension. Information Tribunal appeal EA/2012/0133 allowed.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Not upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50425834](#)

Bristol City Council

Case Ref: FS50430654

Date: 28/05/2012

Summary: The complainant requested information about the councils stated policy of random identity checks for those making freedom of information requests to it. In response the council pointed to the notification on its website and stated that that was all of the information it held on this policy. After a request for review the council again stood by its position that that was the only information held. The Commissioner's decision is that Bristol City Council has responded to the complainant's request by providing him with a link to the information. He has also decided that on a balance of probabilities no further information is held by the council falling within the scope of the request.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50430654](#)

Foreign and Commonwealth Office

Case Ref: FS50421690

Date: 22/05/2012

Summary: The complainant requested information relating to the return of two Congolese nationals from the UK on 13 March 2009, as reported in a Guardian newspaper article on 28 May 2009. The Foreign and Commonwealth Office (FCO) refused the requests as vexatious citing section 14(1) of FOIA. The Information Commissioner's ('the Commissioner') decision is that the FCO correctly categorised the requests as obsessive and as having no serious purpose or value in accordance with section 14(1). The Commissioner does not require the public authority to take any steps.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50421690](#)

Sheffield Teaching Hospitals NHS Foundation Trust

Case Ref: FS50421679

Date: 21/05/2012

Summary: The complainant requested information concerned with medical treatment that her late father received from the public authority. The Commissioner's decision is that Sheffield Teaching Hospitals NHS Foundation Trust correctly relied on section 14(1) as a basis for not complying with the complainant's request for information. Information Tribunal appeal number EA/2012/0124 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50421679](#)

West Berkshire District Council

Case Ref: FS50421845

Date: 17/05/2012

Summary: The complainant requested information relating to environmental impact screening for a proposed development. The public authority refused the request as 'manifestly unreasonable' under the provisions of regulation 12(4)(b) of the EIR. The Commissioner's decision is that West Berkshire Council has incorrectly applied the provisions of regulation 12(4)(b) to the complainant's request and, by its refusal of the request, has not dealt with the request in accordance with the requirements of the EIR. The Commissioner requires the public authority to respond to the request in compliance with the requirements of regulation 5(1) of the Environmental Information Regulations 2004.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Upheld

[View a PDF of decision notice FS50421845](#)

Northumbria Police

Case Ref: FS50435646

Date: 16/05/2012

Summary: The complainant has requested information about the public authority's processes for dealing with complaints. The public authority advised that the information was already available to him and provided links to the relevant documentation, thereby stating that the information was exempt by virtue of section 21 of the FOIA. The Information Commissioner's decision is that the public authority responded properly to the request and he does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 21 - Complaint Not upheld

[View a PDF of decision notice FS50435646](#)

Metropolitan Police Service

Case Ref: FS50408527

Date: 15/05/2012

Summary: The complainant requested the names of individuals who attended a meeting to discuss issues surrounding expert medical evidence in alleged cases of shaken baby syndrome. The Metropolitan Police Service (the MPS) refused the request under section 40(2) of the Act (personal information). The Commissioner's decision is that the MPS correctly applied the exemption at section 40(2) to the withheld information. The Commissioner does not require the MPS to take any further steps. Information Tribunal appeal number EA/2012/0120 dismissed.

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50408527](#)

Northumbria Police

Case Ref: FS50435645

Date: 02/05/2012

Summary: The complainant has requested information about confidentiality clauses, agreements and policies that the public authority's staff need to comply with as well as information about disciplinary action against its staff. The public authority initially found the request to be 'vexatious' but subsequently provided some information and also relied on the exemptions at sections 40(2) and 41(1). The complainant has not complained about the application of these exemptions so they have not been considered. The Information Commissioner has found no breaches and does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50435645](#)

Marine Management Organisation

Case Ref: FER0379965

Date: 23/04/2012

Summary: The complainant made two requests to the Marine Management Organisation (the MMO). Request 1 was for information relating to the Port of Tyne dredging trial, and various reports. The MMO provided some information, withheld further information under regulation 13 of the EIR, and advised that the remainder was not held. Request 2 repeated request 1 and requested further information. The MMO refused request 2 under regulation 12(4)(b) on the basis that it was manifestly unreasonable. The Commissioner's decision is that the MMO handled request 1 in accordance with the EIR, except for the names of some officials which were wrongly withheld under regulation 13. However the MMO failed to carry out an internal review in relation to request 2, thus breaching regulation 11 of the EIR. The Commissioner requires the public authority to disclose the names of officials as indicated in the confidential annex to this notice; and conduct an internal review of the MMO's handling of request 2 which meets the requirements of regulation 11 of the EIR.

Section of Act/EIR & Finding: FOI 11 - Complaint Upheld, FOI 13 - Complaint Partly Upheld

[View a PDF of decision notice FER0379965](#)

Babergh District Council

Case Ref: FER0436438

Date: 18/04/2012

Summary: The complainant requested information from Babergh District Council ("the council") regarding Nayland Airfield. The council refused to comply with the request on the basis that it was manifestly unreasonable under regulation 12(4)(b) of the Environmental Information Regulations 2004 ("the EIR") and the public interest favoured maintaining the exception. The Commissioner's decision is that the council correctly relied on regulation 12(4)(b) and that the public interest favoured maintaining the exception in this case. The Commissioner does not require any steps to be taken. Information Tribunal appeal number EA/2012/0107 dismissed.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FER0436438](#)

Transport for London

Case Ref: FS50423035

Date: 02/04/2012

Summary: The complainant made a number of requests for information to Transport for London ("TfL") over a short period of time. TfL considered that all the requests were vexatious and relied on section 14(1) of the FOIA. The Commissioner considers that the requests were vexatious and that section 14(1) was correctly engaged. The Commissioner requires no remedial steps to

be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50423035](#)

Home Office

Case Ref: FS50426997

Date: 02/04/2012

Summary: The complainant requested information related to applications made by two media organisations for birth, marriage and death certificates. The Commissioner's decision is that the public authority was correct to deem the request vexatious within the meaning of section 14(1) of the Freedom of Information Act 2000 (the Act). The Commissioner does not require the public authority to take any steps.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50426997](#)

Wandsworth Council

Case Ref: FS50419718

Date: 27/03/2012

Summary: The complainant has requested all documents relating to the validity of a VAT clause within a lease. The Commissioner's decision is that Wandsworth Council has correctly applied the exemption for legal professional privilege and the exemption where the cost of compliance exceeds the appropriate limit. However, the Commissioner found that Wandsworth Council took too long to respond to the request. Information Tribunal appeal number EA/2012/0101 dismissed.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 12 - Complaint Not upheld, FOI 16 - Complaint Not upheld, FOI 42 - Complaint Not upheld

[View a PDF of decision notice FS50419718](#)

Department for Culture Media and Sport

Case Ref: FS50421144

Date: 26/03/2012

Summary: The complainant requested copies of communications between Sport England and the Department for Culture, Media and Sport in connection with his ongoing disagreement with British Judo Association (the BJA) over a fee requirement for judo coaches from non-affiliate judo centres wishing to obtain a UKCC qualification.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50421144](#)

Acklam Grange School

Case Ref: FS50427778

Date: 19/03/2012

Summary: The complainant has requested information relating to the design, construction and use of on-site parking facilities from the period from 1 September 2008 to date. The School refused to provide the requested information under regulation 12(4)(b) and 12(4)(e) of the Environmental Information Regulations 2004 (EIR). The Commissioner's decision is that Acklam Grange School (the School) has correctly applied regulation 12(4)(b) EIR. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FS50427778](#)

Department of Finance and Personnel NI

Case Ref: FS50417990

Date: 15/03/2012

Summary: The complainant requested information relating to the number of employment tribunal claims brought against Northern Ireland civil service departments from 2000 onwards, defended as well as undefended. The Information Commissioner's decision is that the Department of Finance and Personnel for Northern Ireland (DFPNI) was incorrect to claim a reliance on section 14 of FOIA. The Information Commissioner therefore requires DFPNI to either disclose the information or issue a valid refusal notice citing a valid exemption in accordance with FOIA.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50417990](#)

Avon and Somerset Constabulary

Case Ref: FS50424496

Date: 14/03/2012

Summary: The complainant has requested information which relates to a series of complaints which he made about the public authority. The Information Commissioner has previously concluded that his latest requests are 'vexatious'. The public authority did not respond to this request. It later confirmed to the Information Commissioner that this was on the basis that the request was a further 'vexatious' one and that it did not therefore need to provide a response. The Information Commissioner's decision is that the public authority was correct. He does not require the public authority to take any steps. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

Home Office

Case Ref: FS50421454

Date: 13/03/2012

Summary: The complainant has requested information held by the Home Office (HO) following his arrest by the Metropolitan Police Service (MPS) and his application for the destruction of the DNA samples that were taken from him by MPS at the time of his arrest, along with the total destruction of all relevant records of the DNA samples, and connected proceedings. The Information Commissioner's decision is that HO has not complied with section 1(1) FOIA in that it wrongly relied on section 14(1) FOIA when responding to the complainant's information request. HO had also breached section 17(5) FOIA by not providing the complainant with a refusal notice within the time set out in section 10(1) of that Act. The Information Commissioner requires HO to either disclose the information requested or issue a refusal notice complying with section 17(1) FOIA.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 10 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50421454](#)

Department for Employment and Learning

Case Ref: FS50415265

Date: 13/03/2012

Summary: The complainant has requested a number of pieces of information relating to the Office of Industrial Tribunals and the Fair Employment Tribunal (OITFET). The Department for Employment & Learning Northern Ireland (DEL) refused to comply with the requests relying upon section 14 of the Freedom of Information Act 2000 (FOIA). The Commissioner's decision is that DEL has correctly applied section 14(1) FOIA. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50415265](#)

Northumbria Police

Case Ref: FS50425431

Date: 13/03/2012

Summary: The complainant requested information about CCTV cameras at Whitley Bay. The public authority initially advised the complainant that his request was vexatious. During the course of the Information Commissioner's investigation the public authority undertook an internal review and went on to

disclose all of the requested information which it held. As the information has now been provided the Information Commissioner has not considered whether or not the exemption cited was properly engaged. He has decided that the public authority's handling of the request resulted in procedural breaches of the Act, as explained in this Notice. The Information Commissioner does not require the public authority to take any steps.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 10 - Complaint Upheld

[View a PDF of decision notice FS50425431](#)

Upshire Primary Foundation School

Case Ref: FS50435672

Date: 12/03/2012

Summary: Between 31 January and 10 August 2011 the complainant submitted 16 requests for information to the school. The school dealt with some of the requests. It later stated that subsequent requests were vexatious but did not specify which section of the legislation it was applying. The Information Commissioner considers that the FOIA applies to most of the requests, apart from 2 points in a request of 30 March 2011, to which the EIR applies. The school subsequently applied section 14 to the FOIA requests and regulation 12(4)(b) of the EIR to points 3 and 5 of one of the requests, appropriately. However, the school has breached section 17(5) of the FOIA and regulations 5, 11 and 14 of the EIR.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 11 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50435672](#)

Upshire Primary Foundation School

Case Ref: FS50435674

Date: 12/03/2012

Summary: Between 31 January and 10 August 2011 the complainant submitted 16 requests for information to the school. The school dealt with some of the requests. It later stated that subsequent requests were vexatious but did not specify which section of the legislation it was applying. The Information Commissioner considers that the FOIA applies to most of the requests, apart from 2 points in a request of 30 March 2011, to which the EIR applies. The school subsequently applied section 14 to the FOIA requests and regulation 12(4)(b) of the EIR to points 3 and 5 of one of the requests, appropriately. However, the school has breached section 17(5) of the FOIA and regulations 5, 11 and 14 of the EIR.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 11 - Complaint Upheld, EIR

12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50435674](#)

Upshire Primary Foundation School

Case Ref: FS50435687

Date: 12/03/2012

Summary: Between 31 January and 10 August 2011 the complainant submitted 16 requests for information to the school. The school dealt with some of the requests. It later stated that subsequent requests were vexatious but did not specify which section of the legislation it was applying. The Information Commissioner considers that the FOIA applies to most of the requests, apart from 2 points in a request of 30 March 2011, to which the EIR applies. The school subsequently applied section 14 to the FOIA requests and regulation 12(4)(b) of the EIR to points 3 and 5 of one of the requests, appropriately. However, the school has breached section 17(5) of the FOIA and regulations 5, 11 and 14 of the EIR.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 11 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50435687](#)

Upshire Primary Foundation School

Case Ref: FS50435770

Date: 12/03/2012

Summary: Between 31 January and 10 August 2011 the complainant submitted 16 requests for information to the school. The school dealt with some of the requests. It later stated that subsequent requests were vexatious but did not specify which section of the legislation it was applying. The Information Commissioner considers that the FOIA applies to most of the requests, apart from 2 points in a request of 30 March 2011, to which the EIR applies. The school subsequently applied section 14 to the FOIA requests and regulation 12(4)(b) of the EIR to points 3 and 5 of one of the requests, appropriately. However, the school has breached section 17(5) of the FOIA and regulations 5, 11 and 14 of the EIR.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 11 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50435770](#)

Upshire Primary Foundation School

Case Ref: FS50408845

Date: 12/03/2012

Summary: Between 31 January and 10 August 2011 the complainant submitted 16 requests for information to the school. The school dealt with some of the requests. It later stated that subsequent requests were vexatious but did not specify which section of the legislation it was applying. The Information Commissioner considers that the FOIA applies to most of the requests, apart from 2 points in a request of 30 March 2011, to which the EIR applies. The school subsequently applied section 14 to the FOIA requests and regulation 12(4)(b) of the EIR to points 3 and 5 of one of the requests, appropriately. However, the school has breached section 17(5) of the FOIA and regulations 5, 11 and 14 of the EIR.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 11 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50408845](#)

Upshire Primary Foundation School

Case Ref: FS50408858

Date: 12/03/2012

Summary: Between 31 January and 10 August 2011 the complainant submitted 16 requests for information to the school. The school dealt with some of the requests. It later stated that subsequent requests were vexatious but did not specify which section of the legislation it was applying. The Information Commissioner considers that the FOIA applies to most of the requests, apart from 2 points in a request of 30 March 2011, to which the EIR applies. The school subsequently applied section 14 to the FOIA requests and regulation 12(4)(b) of the EIR to points 3 and 5 of one of the requests, appropriately. However, the school has breached section 17(5) of the FOIA and regulations 5, 11 and 14 of the EIR.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 11 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50408858](#)

Upshire Primary Foundation School

Case Ref: FS50408927

Date: 12/03/2012

Summary: Between 31 January and 10 August 2011 the complainant submitted 16 requests for information to the school. The school dealt with some of the requests. It later stated that subsequent requests were vexatious but did not specify which section of the legislation it was applying. The Information Commissioner considers that the FOIA applies to most of the requests, apart from 2 points in a request of 30 March 2011, to which the EIR

applies. The school subsequently applied section 14 to the FOIA requests and regulation 12(4)(b) of the EIR to points 3 and 5 of one of the requests, appropriately. However, the school has breached section 17(5) of the FOIA and regulations 5, 11 and 14 of the EIR.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 11 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50408927](#)

Great Yarmouth and Waveney Primary Care Trust

Case Ref: FS50419726

Date: 05/03/2012

Summary: The complainant made three requests to the Trust. He asked for information including some practice's policies on prescribing generic drugs, the incentives around them and other connected staffing details. The Trust answered two of the requests and applied section 14(2) [repeated request] to the third request. It also explained that it would not answer any other questions of this nature in future. The complainant was not happy with either the answers that he received, or the application of section 14(2) and referred his complaint to the Information Commissioner ('the Commissioner'). During the investigation, the Trust applied section 14(1) [vexatious requests] to the three requests in question. Having considered both sides' arguments, the Commissioner considers that the Trust was entitled to apply section 14(1) in this case as the requests were vexatious. However, he did find a procedural breach of section 17(5) because the Trust never issued a refusal notice to the complainant informing him it was relying on this exemption. He also finds that the refusal notice it did issue was not specific enough to comply with section 17(6) and stop it needing to issue a response in the future. He requires no remedial steps to be taken in this case because this notice explains why the requests could be objectively seen as being vexatious. Information Tribunal appeal EA/2012/0061 struck out.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50419726](#)

Dr Matthew Joslin

Case Ref: FS50433373

Date: 05/03/2012

Summary: The complainant has requested when an individual Doctor at the 'the Docs' practice was absent between two dates. The practice (on its doctors' behalf) replied that it consider that the request was vexatious and applied section 14(1) to it. The complaint was made to the Commissioner. During the course of his investigation, the practice also applied section 40(2) [third party

personal data]. The Commissioner finds that section 14(1) was applied inappropriately and that a reasonable public authority could not find the request vexatious. However, he has found that section 40(2) [third party personal data] was appropriately applied in this case. He has also found procedural breaches under section 17(1) and 17(1)(b). He requires no remedial steps to be taken in this case because they are not possible to remedy through remedial steps.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50433373](#)

Dr Tim Worden

Case Ref: FS50425715

Date: 05/03/2012

Summary: The complainant has requested when an individual Doctor at the 'the Docs' practice was absent between two dates. The practice (on its doctors' behalf) replied that it consider that the request was vexatious and applied section 14(1) to it. The complaint was made to the Commissioner. During the course of his investigation, the practice also applied section 40(2) [third party personal data]. The Commissioner finds that section 14(1) was applied inappropriately and that a reasonable public authority could not find the request vexatious. However, he has found that section 40(2) [third party personal data] was appropriately applied in this case. He has also found procedural breaches under section 17(1) and 17(1)(b). He requires no remedial steps to be taken in this case because they are not possible to remedy through remedial steps.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50425715](#)

Dr Barbara Allan

Case Ref: FS50433371

Date: 05/03/2012

Summary: The complainant has requested when an individual Doctor at the 'the Docs' practice was absent between two dates. The practice (on its doctors' behalf) replied that it consider that the request was vexatious and applied section 14(1) to it. The complaint was made to the Commissioner. During the course of his investigation, the practice also applied section 40(2) [third party personal data]. The Commissioner finds that section 14(1) was applied inappropriately and that a reasonable public authority could not find the request vexatious. However, he has found that section 40(2) [third party personal data] was appropriately applied in this case. He has also found procedural breaches under section 17(1) and 17(1)(b). He requires no

remedial steps to be taken in this case because they are not possible to remedy through remedial steps.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50433371](#)

Department for Transport

Case Ref: FS50411835

Date: 27/02/2012

Summary: The complainant requested information from the Department for Transport (the 'DfT') on the use of airport security scanners ('scanners') at airports in the UK. Specifically, the complainant sought information on whether certain airports had made representations to the DfT on whether an alternative to passing through scanners should be offered to passengers. The complainant also requested information as to the DfT's intentions in respect of continuing to use the scanners at Manchester Airport. The Commissioner's decision is that the DfT was entitled to refuse the request under section 14(1) of the FOIA on the grounds that it was vexatious. He does not require the DfT to take any further action. Information Tribunal appeal number EA/2012/0184 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50411835](#)

South Yorkshire Police

Case Ref: FS50386292

Date: 27/02/2012

Summary: The complainant has requested a wide range of information about various historical incidents involving his wife and subsequent related investigations involving a named police officer and others. The Commissioner's decision is that South Yorkshire Police correctly dealt with the request as vexatious relying on section 14(1) of FOIA. The Commissioner does not require the public authority to take any steps to ensure compliance with the legislation.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50386292](#)

Basildon District Council

Case Ref: FS50395593

Date: 27/02/2012

Summary: The complainant requested information from Basildon Council (the council) relating to the registration of a named property as 'unfit for human habitation'. The council argued that it did not have to comply with the request

because it was vexatious and repeated under the Freedom of Information Act 2000 ("the FOIA"). The Commissioner's decision is that the council correctly determined that the request was vexatious under the FOIA. There are no steps to be taken. Information Tribunal appeal number EA/2012/0060 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50395593](#)

Basildon District Council

Case Ref: FS50399683

Date: 27/02/2012

Summary: The complainant requested photographs, records and notes relating to a survey carried out in 1978 by officials from Basildon Council (the council). He also requested other information relating to several named properties ranging over a number of years. The council argued that it did not have to comply with the requests because the requests were vexatious and repeated under the Freedom of Information Act 2000 ("the FOIA") or manifestly unreasonable under the Environmental Information Regulations 2004 ("the EIR"). The Commissioner's decision is that the council correctly determined that the requests were vexatious under the FOIA or manifestly unreasonable under the EIR. There are no steps to be taken. However, the council breached regulation 14(2) by failing to provide a refusal notice citing the exception at regulation 12(4)(b) within the statutory time for compliance. Information Tribunal appeal number EA/2012/0059 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50399683](#)

Bury Metropolitan Borough Council

Case Ref: FS50411386

Date: 23/02/2012

Summary: The complainant has requested various pieces of information about the public authority's running of the Longfield Suite, an entertainment facility maintained by Bury Council. The request was refused as vexatious by Bury Council. The Commissioner's decision is that Bury Council has correctly applied section 14(1) of the Freedom of Information Act 2000 in refusing the complaint's request as vexatious. The Commissioner does not require the public authority to take any steps. Information Tribunal appeal EA/2012/0062 allowed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50411386](#)

West Mercia Police

Case Ref: FS50413998

Date: 16/02/2012

Summary: The complainant has requested copies of legal advice provided to West Mercia Police (WMP) regarding complaints of illegal parking at the Stratstone Garage car dealership. The WMP refused the request under section 14(1) of the FOIA as it considered it vexatious. The Information Commissioner's decision is that the request was vexatious and, therefore, WMP complied with the FOIA in this case.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50413998](#)

Northumbria Police

Case Ref: FS50425893

Date: 16/02/2012

Summary: The complainant has requested information relating to complaints he has made about the public authority. Having initially declared the request to be 'vexatious' the public authority subsequently advised that it was exempt by virtue of sections 40(1) and 40(2). The Information Commissioner considers that any information would be the complainant's 'personal data' as it would all relate to complaints he has made about the public authority. It is therefore exempt by virtue of the exemption at section 40(1). Furthermore the exemption provided by section 40(5)(b)(i) should have been applied which means that the public authority was not required to confirm or deny whether it holds any information under the Act. The Information Commissioner does not require the public authority to take any steps.

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50425893](#)

Thames Valley Police

Case Ref: FS50418745

Date: 15/02/2012

Summary: The complainant requested information from Thames Valley Police (the Police) about the death of former weapons inspector, Dr David Kelly, in 2003. The Police refused to comply with these requests on the basis that they were vexatious. The Commissioner's decision is that the Police were entitled to refuse to comply with these requests on the basis that they were vexatious. Information Tribunal appeal number EA/2012/0040 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50418745](#)

Ministry of Defence

Case Ref: FS50419535

Date: 15/02/2012

Summary: The complainant requested information in connection with radiation film badges worn by Armed Forces personnel following British Nuclear tests in 1958. The Commissioner's decision is that the public authority was correct to deem the requests vexatious within the meaning of section 14(1) of the Freedom of Information Act 2000 (the Act). The Commissioner does not require the public authority to take any steps.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50419535](#)

North East Lincolnshire Council

Case Ref: FS50373683

Date: 14/02/2012

Summary: The complainant has requested information about liability orders issued and withdrawn by the council in respect of council tax and non-domestic rates. The request was refused on the grounds of the costs for compliance, under section 12(1) of FOIA. During the Information Commissioner's investigation, North East Lincolnshire Council indicated that, in the alternative, it also intended to refuse the request under the provisions of section 14(1) of FOIA, on the grounds that the request was vexatious. The Commissioner's decision is that North East Lincolnshire Council has not shown that the request was vexatious, and cannot rely on the provisions of section 14(1) of FOIA, but that council's estimate, that the cost for compliance with the request exceeds the statutory limit, was reasonable and the request was correctly refused on the grounds of section 12(1) of FOIA. The Commissioner does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld

[View a PDF of decision notice FS50373683](#)

Northumbria Police

Case Ref: FS50401605

Date: 13/02/2012

Summary: The complainant requested information relating to the attempted murder of Martin McGartland in 1999 and Northumbria Police's investigation of that incident. The Commissioner's decision is that Northumbria Police was correct to deem the request vexatious within the meaning of section 14(1) of the Freedom of Information Act 2000 (the Act). The Commissioner however finds that Northumbria Police breached section 10 of the Act by failing to respond to the complainant's request within the 20 day time for compliance. The Commissioner does not require the public authority to take any steps in

this matter.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50401605](#)

Waveney District Council

Case Ref: FS50419019

Date: 06/02/2012

Summary: The complainant has variously requested from Waveney District Council (the "Council"); evidence of training sessions attended by a named councillor (councillor x); the number of complaints about councillor x which have been referred to the monitoring officer; and a list of training given to all councillors serving at the council. The Commissioner's decision is that the Council has correctly claimed the requests were vexatious for the purposes of section 14(1) of FOIA. The Commissioner does not require the Council to take any steps as a result of this notice.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50419019](#)

Bamford Academy

Case Ref: FS50423888

Date: 06/02/2012

Summary: The complainant has requested all the staffing policies that were in operation at the Academy on a set date. The Academy Trust originally issued no response. After the Commissioner's intervention, it issued a Fees Notice that did not comply with the FOIA, despite the Commissioner informing it what should be included in such a notice. The Commissioner finds that the Academy Trust has failed to comply with FOIA. He finds it failed to respond in time and breached section 10(1) of the FOIA. He also finds that its Fees Notice does not comply with section 9(3) and thus cannot be relied upon. He further finds that it breached sections 16(1) and 11(3) in its handling of the request.

Section of Act/EIR & Finding: FOI 9 - Complaint Upheld, FOI 10 - Complaint Upheld, FOI 11 - Complaint Upheld, FOI 16 - Complaint Upheld

[View a PDF of decision notice FS50423888](#)

Waveney District Council

Case Ref: FS50412604

Date: 06/02/2012

Summary: The complainant has requested evidence of training records of a named councillor (councillor x). The Commissioner's decision is that Waveney District Council (the "Council") has correctly claimed that the request was

vexatious under section 14(1) of FOIA. The Commissioner does not require the Council to take any steps as a result of this notice.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50412604](#)

Waveney District Council

Case Ref: FS50413391

Date: 06/02/2012

Summary: The complainant has variously requested from Waveney District Council (the "Council"); evidence of training sessions attended by a named councillor (councillor x); the number of complaints about councillor x which have been referred to the monitoring officer; and a list of training given to all councillors serving at the council. The Commissioner's decision is that the Council has correctly claimed the requests were vexatious for the purposes of section 14(1) of FOIA. The Commissioner does not require the Council to take any steps as a result of this notice.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50413391](#)

Waveney District Council

Case Ref: FS50413396

Date: 06/02/2012

Summary: The complainant has variously requested from Waveney District Council (the "Council"); evidence of training sessions attended by a named councillor (councillor x); the number of complaints about councillor x which have been referred to the monitoring officer; and a list of training given to all councillors serving at the council. The Commissioner's decision is that the Council has correctly claimed the requests were vexatious for the purposes of section 14(1) of FOIA. The Commissioner does not require the Council to take any steps as a result of this notice.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50413396](#)

West Berkshire District Council

Case Ref: FS50401571

Date: 01/02/2012

Summary: The complainant has requested the names and political parties of the persons who had sat on a particular Assessment Sub-Committee, which was convened to consider a complaint made against another councillor. The Commissioner's decision is that West Berkshire District Council (the "Council") incorrectly refused the request under section 36(2)(c) (prejudice to effective

conduct of public affairs) of FOIA. The Commissioner requires the public authority to disclose the requested information to ensure compliance with the legislation.

Section of Act/EIR & Finding: FOI 36 - Complaint Upheld

[View a PDF of decision notice FS50401571](#)

Southwark Council

Case Ref: FS50406303

Date: 31/01/2012

Summary: The complainant requested information from Southwark Council (the council) about the outcome of a review into the methodology for an increase in court costs and an explanation of any difference in methodology. The public authority refused to provide the information on the grounds that the request was vexatious. The Information Commissioner's (the Commissioner's) decision is that the council was correct to find the request vexatious. The Commissioner does not require the public authority to take any steps. Information Tribunal appeal EA/2012/0064 allowed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50406303](#)

CityWest Homes

Case Ref: FS50422688

Date: 31/01/2012

Summary: The complainant requested information from City West Homes ("CWH") concerning works being carried out to ensure that residents of the property where the complainant lives can continue to receive a television signal following the digital switchover. CWH refused to respond to the requests on the basis that they were vexatious under section 14(1) of the Freedom of Information Act 2000 ("the FOIA"). The Commissioner's decision is that CWH did not correctly rely on section 14(1) in this particular case. The Commissioner requires the public authority to respond to the complainant's requests for information.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50422688](#)

Police Service of Northern Ireland

Case Ref: FS50393213

Date: 31/01/2012

Summary: The complainant requested information relating to a police investigation. The Police Service of Northern Ireland (the PSNI) refused to comply with the request, arguing that it was vexatious under section 14(1) of

the Act. Following the Commissioner's intervention the PSNI withdrew reliance on section 14 and issued a revised refusal notice to the complainant. The Commissioner's decision is that the PSNI failed to comply with section 17(1) of the Act in that it failed to issue its revised refusal notice within the statutory time limit. The Commissioner does not require the public authority to take any further steps to ensure compliance with the legislation in respect of the complaint submitted to him in this case.

Section of Act/EIR & Finding: FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50393213](#)

Salford City Council

Case Ref: FS50407742

Date: 30/01/2012

Summary: The complainant has requested information relating to the way in which decisions were made in respect of claims to housing benefit or council tax benefit. The Commissioner's decision is that Salford City Council (the "Council") has incorrectly applied sections 14(1) (vexatious requests) and 36(2)(c) (prejudice to the effective conduct of public affairs) to the requested information. The Commissioner has also found that the Council breached section 17(1)(b) by its handling of the request. The Commissioner requires the public authority to disclose the requested information to ensure compliance with the legislation. Information Tribunal appeal EA/2012/0047 allowed.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 36 - Complaint Upheld

[View a PDF of decision notice FS50407742](#)

Cambridgeshire County Council

Case Ref: FER0397352

Date: 30/01/2012

Summary: The complainant has requested information about various specified locations in Ramsey, Cambridgeshire. Cambridgeshire County Council responded that it either does not hold the requested information, or does not hold additional information beyond that which has previously been disclosed to him. The Commissioner's decision is that Cambridgeshire County Council has correctly responded to the complainant's request and, on the balance of probabilities, does not hold the requested information, or does not hold any information described in the request which has not previously been disclosed to the complainant.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FER0397352](#)

New Forest National Park Authority

Case Ref: FER0402796

Date: 26/01/2012

Summary: The complainant requested information as to whether a particular named individual had had input into two letters that had been written to him by the New Forest National Park Authority (NPA). The NPA refused the request under regulation 12(4)(b) as “manifestly unreasonable”. The Commissioner’s decision is that the NPA was correct to apply regulation 12(4)(b) to the request and that the public interest favours maintaining the exception in this instance. The Commissioner requires no steps to be taken by the NPA.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FER0402796](#)

University of Salford

Case Ref: FS50392486

Date: 23/01/2012

Summary: The complainant has made five requests for information to the University of Salford (the university), all of which were refused by the university under section 14 of the FOIA. The university considered the complainant’s requests to be part of a campaign and refused them as vexatious on this basis. The Information Commissioner’s decision is that the university has incorrectly applied section 14 to the requests in this case. The Information Commissioner (the Commissioner) requires the public authority to respond to the requests in accordance with the provisions of section 1 of the FOIA.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50392486](#)

Bradford Metropolitan District Council

Case Ref: FS50404233

Date: 18/01/2012

Summary: The complainant has submitted a request for information, comprising a number of separate questions about matters of dispute between him and Bradford Metropolitan District Council, related to his property and that of his neighbours. The requests have been refused as vexatious. The Information Commissioner’s decision is that Bradford Metropolitan District Council has correctly refused the complainant’s requests as vexatious. Information Tribunal appeal EA/2012/0033 struck out.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50404233](#)

Aylesbury Vale District Council

Case Ref: FS50407261

Date: 16/01/2012

Summary: The complainant had requested documentation detailing the actions taken by the Trust in relation to the overseas adoption process as recommended by the Report of an Independent Review Panel. The focus of this complaint related to a quality assurance document that had been referenced in the minutes of the Southern Area Adoption Consortium dated 16 November 2007 and related to issues arising from the independent review. The Commissioner's decision in this case is that, on the balance of probabilities, no recorded information is held in relation to the complainant's request. The Commissioner requires no further steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50407261](#)

North East Lincolnshire Council

Case Ref: FS50367860

Date: 10/01/2012

Summary: The complainant has requested information about internal investigations conducted by, or on behalf of, North East Lincolnshire Council. The request was refused on the grounds of the costs for compliance, under section 12(1) of FOIA. During the Commissioner's investigation, North East Lincolnshire Council indicated that, in the alternative, it also intended to refuse the request under the provisions of section 14(1) of FOIA, on the grounds that the request was vexatious. The Commissioner's decision is that North East Lincolnshire Council has not shown that the request was vexatious, and cannot rely on the provisions of section 14(1) of FOIA, but that council's estimate, that the cost for compliance with the request exceeds the statutory limit, was reasonable and the request was correctly refused on the grounds of section 12(1) of FOIA. However the Commissioner has also decided that the council failed to provide advice and assistance to the complainant in order for him to be able to submit a refined or revised request and therefore breached section 16(1). The Commissioner requires the public authority to take the following steps: provide the complainant with advice and assistance in accordance with the section 45 Code of Practice to enable the complainant to refine this request to bring it within the cost limit.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld, FOI 14 - Complaint Upheld, FOI 16 - Complaint Upheld

[View a PDF of decision notice FS50367860](#)

Royal Borough of Greenwich

Case Ref: FER0411443

Date: 09/01/2012

Summary: The complainant has requested a copy of a noise abatement notice served on an autistic man, as reported in the national press. This was refused on the grounds that the requested information is personal data. The Commissioner's decision is that the requested information is personal data, but that in the circumstances of this case, some of that data may be disclosed.

Section of Act/EIR & Finding: FOI 40 - Complaint Partly Upheld

[View a PDF of decision notice FER0411443](#)

Gateshead Council

Case Ref: FS50417222

Date: 09/01/2012

Summary: The complainant requested photographs taken of speed camera sites from Gateshead Metropolitan Borough Council ("the council"). The council said that the request was vexatious. The Commissioner's decision is that the council correctly refused to respond to the request because it was vexatious. He does not require the council to take any steps.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50417222](#)

Isle of Anglesey County Council

Case Ref: FS50391089

Date: 20/12/2011

Summary: The complainant made a multipart request to the Council relating to various issues surrounding planning activities, and surrounding the activities of a named official. The Council considered that parts of the request related to environmental information and were therefore considered under the EIR, whilst other parts of the request were not for environmental information and therefore considered under the Act. The Council refused to comply with the request on the basis that it was vexatious under section 14(1) of the Act, that it would exceed the "appropriate limit" set out at section 12(1) of the Act, and that it was manifestly unreasonable, in line with regulation 12(4)(b) of the EIR. The Commissioner has investigated and has found that the Council correctly applied the exception at regulation 12(4)(b) of the EIR to the environmental information, and that it correctly relied on section 12(1) of the Act in refusing to comply with the non-environmental elements of the request. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: EIR 12 1 - Complaint Not upheld, EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FS50391089](#)

Department of Enterprise Trade and Investment

Case Ref: FS50317682

Date: 20/12/2011

Summary: The complainant requested communications between and from three named parties, "referring to me and / or CAM Benchmarking Limited (CBL)." The Information Commissioner's decision is that the Department of Enterprise, Trade and Investment (DETI) correctly applied section 14(1) to the request. The Information Commissioner (the Commissioner) requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50317682](#)

Department of Education Northern Ireland

Case Ref: FS50376698

Date: 19/12/2011

Summary: The complainant has requested: 'I request copies of all paper correspondence, notes and e-mails sent by the Department of Education (NI) or ESAIT to Dromore Central Primary School, Western Education & Library Board, C2k, Southern Education & Library Board, CCEA and CEM, University of Durham on the subject of InCAS for the period 01/11/09 until today 05/5/10. I also request copies of all paper correspondence, notes and e-mails received by the Department of Education (NI) or ESAIT from Dromore Central Primary School, Western Education & Library Board, C2K, Southern Education & Library Board, CCEA and CEM, University of Durham on the subject of InCAS for the period 01/11/09 until today 05/5/10. I request copies of all paper correspondence, notes and e-mails sent by the Department of Education (NI) or ESAIT to the Department of Education (NI) or ESAIT on the subject of InCAS for the period 01/11/09 until today 05/5/10. I also request a copy of the follow up measures instructed by DE to be put in place at CEM, University of Durham and the findings of the audit of CEM's systems as mentioned in the attached minutes of CCEA Council meeting 26/11/09.' The Commissioner's decision is that the Department of Education Northern Ireland (DENI) was correct to consider this request to be vexatious in line with the provisions of section 14(1) of the Freedom of Information Act 2000. The Commissioner requires the public authority to take no further steps to ensure compliance with the legislation. Information Tribunal appeal EA/2012/0017 allowed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50376698](#)

Sefton Metropolitan Borough Council

Case Ref: FS50381385

Date: 19/12/2011

Summary: The complainant requested the council to confirm or deny that named areas of land, registered to the council, were transferred to a housing association on 24 December 1993. The Commissioner's decision is that the council correctly relied on section 14(1) (not to comply with the request) and 17(6) (not to provide a refusal notice) of FOIA.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld, FOI 17 - Complaint Not upheld

[View a PDF of decision notice FS50381385](#)

Walberswick Parish Council

Case Ref: FS50422187

Date: 19/12/2011

Summary: The complainant requested from Walberswick Parish Council ("the council") a copy of a speech given by the chairman at a particular meeting. The complainant also made another request for information relating to the refusal to provide her with a copy of the speech and she also asked for details of the complaints procedure. The council initially refused the first request by stating that the speech was possibly subject to legal professional privilege. It subsequently refused both requests relying on section 14 of the Freedom of Information Act 2000 ("the FOIA"), the exclusion relating to vexatious and repeated requests. Following the Commissioner's involvement, the council decided to respond to the requests and it said that it did not hold the information requested. The Commissioner's decision is that the council did not hold the information on the balance of probabilities. He has recorded a breach of section 10 of the FOIA. The Commissioner does not require any steps to be taken. Information Tribunal appeal number EA/2012/0019 has been disposed of by way of a consent order.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld

[View a PDF of decision notice FS50422187](#)

Bamford Academy

Case Ref: FS50424099

Date: 19/12/2011

Summary: The complainant requested the minutes that led to the previous school deciding to take Academy status from Bamford Academy Trust (the 'Academy Trust'). The Academy Trust failed to provide any information within 20 working days. The case was referred to the Commissioner. During the course of his investigation, the Academy Trust disclosed the information to the complainant and the complainant asked for a formal decision notice about the delays he had experienced. The Commissioner considers that the delays constitute a breach of section 10(1) of the Freedom of Information Act 2000 (FOIA). However, he requires no remedial steps to be taken because the information has been released by the Academy Trust.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld

[View a PDF of decision notice FS50424099](#)

Avon and Somerset Constabulary

Case Ref: FS50420658

Date: 15/12/2011

Summary: The complainant has requested information which relates to a series of complaints which he made about the public authority. The public authority refused to provide the information on the grounds that the request was vexatious. The Information Commissioner's decision is that the public authority was correct to find the request vexatious. The Information Commissioner does not require the public authority to take any steps.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50420658](#)

Avon and Somerset Constabulary

Case Ref: FS50408546

Date: 15/12/2011

Summary: The complainant has requested information which relates to a series of complaints which he made about the public authority. The public authority refused to provide the information on the grounds that the request was vexatious. The Information Commissioner's decision is that the public authority was correct to find the request vexatious. The Information Commissioner does not require the public authority to take any steps.

Information Tribunal appeal EA/2012/0011 struck out.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50408546](#)

Yorkshire Forward

Case Ref: FS50364144

Date: 14/12/2011

Summary: The Commissioner's decision is that Yorkshire Forward (YF) appropriately relied on regulation 12(4)(b) of the EIR in this case but incorrectly relied on regulation 12(5)(e). The Commissioner requires YF to take the following steps to ensure compliance with the legislation. YF should release all information previously withheld under regulation 12(5)(e) to the complainant. Information Tribunal appeal number EA/2012/0016 withdrawn.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld, EIR 12.5.e - Complaint Upheld

[View a PDF of decision notice FS50364144](#)

Kings College Cambridge

Case Ref: FS50374489

Date: 14/12/2011

Summary: The complainant made a number of requests to King's College Cambridge (the "College"). The College refused to deal with these requests, stating that the requests were vexatious and repeated (section 14(1) and (2)). The Commissioner's decision is that the College was correct to rely upon section 14(1) in refusing to deal with the requests. Therefore the Commissioner does not require the College to take any additional steps. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50374489](#)

Office of the First Minister and deputy First Minister

Case Ref: FS50410854

Date: 14/12/2011

Summary: The complainant requested the objectives set for the permanent secretary in each of the Northern Ireland government departments. The Office of the First Minister and deputy First Minister (OFMDFM) refused to comply with the request, arguing that it was vexatious under section 14(1) of the Act. The Commissioner's decision is that OFMDFM correctly categorised this request as vexatious. Therefore OFMDFM was not obliged to comply with the request. The Commissioner does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50410854](#)

Kings College Cambridge

Case Ref: FS50396867

Date: 14/12/2011

Summary: The complainant made a number of requests to King's College Cambridge (the "College"). The College refused to deal with these requests, stating that the requests were vexatious (section 14(1)). The Commissioner's decision is that the College was correct to rely upon this exemption in refusing to deal with these requests in relation to any information that would not be the personal information of the complainant. In relation to any information that (if held) would be the personal information of the complainant, the Commissioner's decision is that the College can rely upon section 40(5)(a) in order to refuse to confirm or deny whether this information is held. The Commissioner does not require the College to take any additional steps. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50396867](#)

Sunderland City Council

Case Ref: FS50378357

Date: 13/12/2011

Summary: The complainant has requested a specific piece of information relating to speed camera signage from Sunderland City Council ('the council'). The Commissioner considers that this request relates to the same matter as a previous decision notice and therefore the analysis and conclusions reached in that previous notice are applicable in this instance. The Commissioner's decision is that the council was correct to apply the vexatious exclusion to this request. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50378357](#)

Ministry of Justice

Case Ref: FS50402588

Date: 12/12/2011

Summary: The Ministry of Justice (MOJ) refused to comply with the complainant's information requests on the grounds that they were vexatious. The Information Commissioner's decision is that the MOJ complied with the FOIA by correctly refusing the requests as vexatious. Information Tribunal appeal number EA/2012/0007 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50402588](#)

Department for International Development

Case Ref: FS50300621

Date: 08/12/2011

Summary: The complainant made three separate requests: two on 15 January 2010 and one on 8 February 2010. All three have been considered in this notice. The Commissioner's decision is that the Department for International Development (the DfID) correctly deemed the complainant's requests to be vexatious in line with the provisions of section 14(1) of the Freedom of Information Act 2000.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50300621](#)

Department for Communities and Local Government

Case Ref: FS50383120

Date: 06/12/2011

Summary: The complainant asked the Department for Communities and Local Government ("DCLG") to provide all the information it had either received or sent relating to an ongoing complaint that he had raised. The DCLG refused to provide the information on the basis that it considered that the request was vexatious. The Commissioner's decision is that DCLG did not demonstrate to the Commissioner that the request had been correctly refused. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: it should respond to the request by writing directly to the complainant; it should either provide the information it holds or provide a valid refusal notice relying on an exemption or exclusion under the Freedom of Information Act 2000 ("the FOIA") other than the vexatious exclusion; and DCLG should redact any information that would identify the complainant, such as his name, as this information will be the complainant's own personal data and it cannot be publicly disclosed under the FOIA.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50383120](#)

Basildon District Council

Case Ref: FS50381386

Date: 28/11/2011

Summary: The complainant requested information relating to long running disputes that he has with the council over planning issues and properties that he owns. The council argued that it did not have to comply with the requests because the requests were vexatious and repeated under the Freedom of Information Act 2000 ("the FOIA") or manifestly unreasonably under the Environmental Information Regulations 2004 ("the EIR"). The Commissioner's decision is that the council correctly determined that the requests were vexatious under the FOIA or manifestly unreasonable under the EIR. There are no steps to be taken. Information Tribunal appeal number EA/2011/0302 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FS50381386](#)

Police Service of Northern Ireland

Case Ref: FS50379540

Date: 21/11/2011

Summary: The complainant requested guidance on what information can be given to the victims of crime. The Police Service of Northern Ireland (the PSNI) refused to comply with the request, arguing that it was vexatious under section 14(1) of the Act. The Commissioner's decision is that the PSNI wrongly assessed the complainant's request as vexatious. The Commissioner requires the public authority to respond to the request, either by providing the requested information or by issuing a refusal notice under section 17 of the Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50379540](#)

Redbridge London Borough Council

Case Ref: FS50350859

Date: 17/11/2011

Summary: The complainant's request was as follows: 'I should like to request all information contained in the Council's records in relation to the above reference number. This information should be held in paper records and by electronic methods – internal and external information.' The Commissioner's decision is that the London Borough of Redbridge (the Council) was wrong to consider this request to be vexatious in line with the provisions of section 14(1) of the Freedom of Information Act 2000.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50350859](#)

South Yorkshire Police

Case Ref: FS50387841

Date: 17/11/2011

Summary: The complainant has requested information about South Yorkshire Police's interaction with the Crown Prosecution Service with respect to the death of her father. The request was refused under section 14(1) of the Freedom of Information Act ('the FOIA') as the request was considered to be vexatious. The Information Commissioner's ('the Commissioner') decision is that South Yorkshire Police ('SYP') has dealt with the request for information in accordance with the FOIA and requires no steps to be taken by SYP.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50387841](#)

East Hertfordshire District Council

Case Ref: FS50364930

Date: 16/11/2011

Summary: The complainants made 16 requests for information mainly related to financial probity or governance. The Commissioner's decision is that East Herts District Council has not dealt with the requests for information in accordance with the Freedom of Information Act 2000 and Environmental Information Regulations 2004 by: incorrectly withholding information under the vexatious exclusion, and, in the case of environmental information, the manifestly unreasonable exception; and taking too long to respond in and provide the information. Information Tribunal appeal number EA/2011/0293 withdrawn.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld, EIR 12.4.b - Complaint Upheld

[View a PDF of decision notice FS50364930](#)

West Berkshire District Council

Case Ref: FS50393151

Date: 16/11/2011

Summary: The complainant requested the agenda, minutes and documents/notes associated with a meeting between officers and councillors that took place on 17 November 2010 between 6.00 and 6.30pm prior to a planning committee meeting. The Information Commissioner's (the Commissioner's) decision is that West Berkshire Council (the council) has correctly applied section 1 of the Freedom of Information Act (the Act), since it does not hold any further information that has not already been supplied to the complainant. The Information Commissioner does not require the public authority to take any steps to ensure compliance with the legislation. Information Tribunal appeal EA/2011/0295 struck out.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50393151](#)

Wandsworth Council

Case Ref: FS50397482

Date: 16/11/2011

Summary: The complainant requested information about parking enforcement policies at Wandsworth Council ('the council'). The Commissioner's decision is that the council was entitled to refuse the requests under section 14(1) of the FOIA on the grounds that they were vexatious. He does not require the council to take any further action. Information Tribunal appeal EA/2011/0282 struck out.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50397482](#)

Wandsworth Council

Case Ref: FS50400972

Date: 16/11/2011

Summary: The complainant requested information about parking enforcement policies at Wandsworth Council ('the council'). The Commissioner's decision is that the council was entitled to refuse the requests under section 14(1) of the FOIA on the grounds that they were vexatious. He does not require the council to take any further action. Information Tribunal appeal EA/2011/0282 struck out.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50400972](#)

South Yorkshire Police

Case Ref: FS50362157

Date: 16/11/2011

Summary: The complainant has requested information from South Yorkshire Police (the Police) about a Notice of Intended Prosecution he had received regarding an alleged speeding offence. In relation to the requests that fall within the scope of FOIA, the Police's position is that these requests are vexatious. The Commissioner's decision is that the requests in question are not vexatious.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50362157](#)

Thames Valley Police

Case Ref: FS50382601

Date: 14/11/2011

Summary: The complainant has requested: the name/rank/position of [a named Police officer's] supervisor, the name/rank/position/employer of the driver of the Silver Mondeo [Registration specified] who caused the driveway obstruction, a certified copy of the TVP (South) reception log book for 7 February 2011 showing the time logged in and the time logged out of the driver above. The Commissioner's decision is that the Thames Valley Police (the Police) correctly deemed the request vexatious in line with the provisions of section 14(1) of the Act. The Commissioner requires the public authority to take no further steps to ensure compliance with the legislation. Information Tribunal appeal EA/2011/0289 allowed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50382601](#)

Walberswick Parish Council

Case Ref: FS50379341

Date: 10/11/2011

Summary: The complainant asked Walberswick Parish Council (the council) to provide information on various matters including the council's code of conduct, correspondence submitted to the council, the council's standing orders, and advice provided to the council. The Information Commissioner's decision is that the council did not comply with sections 1, 10 and 17 of the FOIA when responding to the complainant's request. This is because it did not provide the requested information, or a valid refusal notice, within 20 working days of receiving the request. The Information Commissioner (the Commissioner) notes that the council has now provided a new response to the complainant's request. He does not require the council to take any steps.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 10 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50379341](#)

Police Service of Northern Ireland

Case Ref: FS50387372

Date: 08/11/2011

Summary: The complainant requested information relating to a police investigation. The Police Service of Northern Ireland (the PSNI) refused to comply with the request, arguing that it was vexatious under section 14(1) of the Act. The Commissioner's decision is that the public authority wrongly assessed the complainant's request as vexatious. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: respond to the request, either by providing the requested information or by issuing a refusal notice under section 17 of the Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50387372](#)

Department for Culture Media and Sport

Case Ref: FS50401744

Date: 03/11/2011

Summary: The complainant requested various information from the Department for Culture, Media and Sport (DCMS) concerning HTTP cookies and spyware and organisations that may produce this type of software. DCMS stated that some of the information requested was not held, and refused other requests on various grounds. The Commissioner's decision is that DCMS was correct to state that some of the information was not held and withheld other information correctly. However, the Commissioner has also found that DCMS cited section 12 (cost limit) of the FOIA incorrectly and that it applied the

exemption provided by section 40(2) (personal information) incorrectly in relation to information about senior officials. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation. In relation to requests (ii) and (v), disclose to the complainant the relevant information relating to senior officials. In relation to request (iv), contact the complainant to seek clarification as to what information is sought, and provide advice and assistance as to how this request may be refined to bring it within the cost limit. If the complainant chooses to respond with a refined request, DCMS should respond to this in accordance with the FOIA by either disclosing the requested information, or giving valid reasons under the Act for why this information will not be disclosed.

Section of Act/EIR & Finding: FOI 1 - Complaint Partly Upheld, FOI 12 - Complaint Upheld, FOI 40 - Complaint Partly Upheld

[View a PDF of decision notice FS50401744](#)

Sunderland City Council

Case Ref: FS50374873

Date: 03/11/2011

Summary: The complainant submitted two requests to Sunderland City Council ('the council') for information regarding funding for business initiatives. The public authority refused the requests, citing section 14(1) of the Act, which applies to vexatious requests. The Commissioner has investigated and found that, on balance, the council was not entitled to refuse the requests under section 14(1). The Commissioner therefore requires the council to either comply with section 1(1) or issue a valid refusal notice compliant with section 17.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50374873](#)

Sunderland City Council

Case Ref: FS50380006

Date: 03/11/2011

Summary: The complainant submitted two requests to Sunderland City Council ('the council') for information regarding funding for business initiatives. The public authority refused the requests, citing section 14(1) of the Act, which applies to vexatious requests. The Commissioner has investigated and found that, on balance, the council was not entitled to refuse the requests under section 14(1). The Commissioner therefore requires the council to either comply with section 1(1) or issue a valid refusal notice compliant with section 17.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50380006](#)

Northumbria Police

Case Ref: FS50378155

Date: 26/10/2011

Summary: The complainant made a request to Northumbria Police (the force) in November 2010 for information relating to the force's investigation into the attempted murder of Martin McGartland. In December 2010 he made a further related request for additional information relating to the same investigation. The force also received a number of similar related requests on the same subject at around the same time. The force refused the complainant's request on the basis that, as it was part of a campaign, the request was vexatious under section 14(1) of the Act. The Commissioner finds that the force incorrectly applied section 14(1) to the request. He requires the public authority to respond to the request in accordance with the provisions of section 1 of the Act within 35 calendar days.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50378155](#)

Lancashire Constabulary

Case Ref: FS50389914

Date: 26/10/2011

Summary: Lancashire Constabulary refused to comply with the complainant's information requests on the grounds that they were vexatious. The Commissioner's decision is that Lancashire Constabulary has breached the FOIA by incorrectly refusing the requests as vexatious. Information Tribunal appeal EA/2011/0278 withdrawn.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50389914](#)

University of Salford

Case Ref: FS50389390

Date: 25/10/2011

Summary: The complainant wrote to the University to request the amount that was paid on a named individual's departure and whether or not a compromise agreement had been signed by them. The University refused to provide the requested information. It cited sections 41 and 40. The Commissioner's decision is that the University should have applied section 40(5) of the FOIA and not confirmed nor denied whether or not it holds relevant recorded information for the remaining information requested. This is because even confirming or denying whether relevant information is held would be unfair to the named individual. He requires no remedial steps to be taken.

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

East Riding of Yorkshire Council

Case Ref: FER0419413

Date: 24/10/2011

Summary: The complainant requested information relating to the occupation of a specific residential site. East Riding of Yorkshire Council (the "Council") refused the request under regulation 12(4)(b) (manifestly unreasonable). Immediately prior to submitting their complaint to the Commissioner, the complainant had been provided with the Commissioner's decision regarding their complaint about the Council's handling of a previous request. In that instance, the Commissioner found that the Council had correctly refused the request as being manifestly unreasonable. The Commissioner considers that the request which is the subject of this decision notice relates to the same matters and that, therefore, the analysis and conclusions he reached in his previous notice are also applicable in this instance. The Commissioner's decision is that the Council was correct to apply regulation 12(4)(b) to the request and that the public interest favours maintaining the exception in this instance. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FER0419413](#)

Driver and Vehicle Licensing Agency

Case Ref: FS50326639

Date: 20/10/2011

Summary: The complainant requested information concerning the DVLA, the DfT and the Information Commissioner's Office in respect of the application of 'Regulation 27' of the Road Vehicles (Registration and Licensing) Regulations 2002. The DVLA provided some information in a redacted format but refused a significant part of the request stating that it did not hold the information and citing sections 42(1) and 40(2) of the Act. The Commissioner has investigated and finds that the DVLA were correct to conclude that it did not hold some information and to withhold the information under sections 42(1) and 40(2) of the Act. The Commissioner has also recorded a number of procedural breaches in relation to the DVLA's handling of the above request for information.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 40 - Complaint Not upheld, FOI 42 - Complaint Not upheld

[View a PDF of decision notice FS50326639](#)

Norwich City Council

Case Ref: FS50373078

Date: 19/10/2011

Summary: The complainant requested information relation to a tendering procedure for the development at Threescore in Bowthorpe. This request was refused under section 14(1) as the request was considered vexatious. The Commissioner's decision is that Norwich City Council ('the Council') should have handled the request under the Environmental Information Regulations 2004 ('the EIR') as opposed to the Freedom of Information Act 2000 ('the Act'). The Commissioner has also concluded that the request was not manifestly unreasonable. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: disclose the information to the complainant in accordance with regulation 5 of the EIR; or issue a valid refusal notice explaining the reasons why it will not disclose this information in accordance with regulation 14 of the EIR.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50373078](#)

Common Council of the City of London

Case Ref: FS50353499

Date: 18/10/2011

Summary: The complainant requested the Common Council of the City of London ('CoL') to release information relating to its FOI function and how its requests have been handled over the last 2 years. The CoL responded refusing to provide the requested information under section 12(4)(b) of the Act. As the complainant remained dissatisfied, he approached the Commissioner. The Commissioner has given the matter careful consideration and he is satisfied that section 12(1) applies by virtue of section 12(4)(b) of the Act to the request. He therefore requires no further action to be taken.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld, FOI 16 - Complaint Not upheld

[View a PDF of decision notice FS50353499](#)

Common Council of the City of London

Case Ref: FS50353385

Date: 18/10/2011

Summary: The complainant requested the Common Council of the City of London (CoL) to release all emails and documents held electronically which relate to the Church of Scientology Religious Education College (COSREC) for the 5 years preceding the date of his request. The CoL responded refusing to comply with the request under section 12(4)(b) of the Act. As the complainant remained dissatisfied, he approached the Commissioner. The Commissioner has given the matter careful consideration and he is satisfied that section 12(1) applies by virtue of section 12(4)(b) of the Act to the request. He therefore requires no further action to be taken.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld

[View a PDF of decision notice FS50353385](#)

Common Council of the City of London

Case Ref: FS50353003

Date: 18/10/2011

Summary: The complainant requested the Common Council of the City of London ('CoL') to release information relating to its decision to grant mandatory rate relief to the Church of Scientology Religious Education College ('COSREC'). The CoL responded providing the complainant with access to part of the information she requested. For the remaining part of the complainant's request, the CoL refused to provide the requested information under section 12(4)(b) of the Act. As the complainant remained dissatisfied, she approached the Commissioner. The Commissioner has given the matter careful consideration and he is satisfied that section 12(1) applies by virtue of section 12(4)(b) of the Act to the request. He therefore requires no further action to be taken.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld

[View a PDF of decision notice FS50353003](#)

East Riding of Yorkshire Council

Case Ref: FS50387510

Date: 12/10/2011

Summary: The complainant has requested information about the employment record and benefits of one of its previous employees. The complainant has made some related requests and the public authority refused to provide the information on the basis that the request was vexatious. The Information Commissioner's decision is that the public authority was incorrect in finding the request vexatious. The Information Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: it should either provide the requested information to the complainant or issue him with a valid refusal notice under the FOIA.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50387510](#)

Stamford Town Council

Case Ref: FS50380744

Date: 12/10/2011

Summary: The complainant requested various documents and information from Stamford Town ('the council'). The Commissioner's decision is that the council was not entitled to refuse to provide the requested information under

sections 12, 14 or 42(1) of the Act. He consequently requires the council to either comply with section 1(1) of the Act, or issue a refusal notice compliant with section 17.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 12 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 42 - Complaint Upheld

[View a PDF of decision notice FS50380744](#)

Stamford Town Council

Case Ref: FS50380860

Date: 12/10/2011

Summary: The complainant requested various documents and information from Stamford Town ('the council'). The Commissioner's decision is that the council was not entitled to refuse to provide the requested information under sections 12, 14 or 42(1) of the Act. He consequently requires the council to either comply with section 1(1) of the Act, or issue a refusal notice compliant with section 17.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 12 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 42 - Complaint Upheld

[View a PDF of decision notice FS50380860](#)

Stamford Town Council

Case Ref: FS50380865

Date: 12/10/2011

Summary: The complainant requested various documents and information from Stamford Town ('the council'). The Commissioner's decision is that the council was not entitled to refuse to provide the requested information under sections 12, 14 or 42(1) of the Act. He consequently requires the council to either comply with section 1(1) of the Act, or issue a refusal notice compliant with section 17.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 12 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 42 - Complaint Upheld

[View a PDF of decision notice FS50380865](#)

Stamford Town Council

Case Ref: FS50380881

Date: 12/10/2011

Summary: The complainant requested various documents and information from Stamford Town ('the council'). The Commissioner's decision is that the council was not entitled to refuse to provide the requested information under sections 12, 14 or 42(1) of the Act. He consequently requires the council to either comply with section 1(1) of the Act, or issue a refusal notice compliant

with section 17.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 12 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 42 - Complaint Upheld

[View a PDF of decision notice FS50380881](#)

Stamford Town Council

Case Ref: FS50380883

Date: 12/10/2011

Summary: The complainant requested various documents and information from Stamford Town ('the council'). The Commissioner's decision is that the council was not entitled to refuse to provide the requested information under sections 12, 14 or 42(1) of the Act. He consequently requires the council to either comply with section 1(1) of the Act, or issue a refusal notice compliant with section 17.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 12 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 42 - Complaint Upheld

[View a PDF of decision notice FS50380883](#)

Ministry of Justice

Case Ref: FS50386674

Date: 04/10/2011

Summary: The complainant requested information about a trial. The Ministry of Justice (the "MOJ") responded and refused to answer a number of parts of the request on the basis that it did not consider them to be requests for recorded information. It also applied section 14(1) (vexatious request) but failed to specify which aspects of the request it was applying this to. It confirmed that it did not hold some of the information and advised the complainant to contact the Legal Services Commission for these aspects of the request. The subject matter of the case prompted the Information Commissioner to consider whether the MOJ should have considered section 40 of the Freedom of Information Act 2000 ("FOIA") and given a 'neither confirm nor deny' response. He finds that confirmation or denial would disclose personal data and that the disclosure of this personal data would be in breach of the first data protection principle. The exemption provided by section 40(5)(b)(i) of the FOIA should therefore have been applied. The MOJ is not required to take any steps. The MOJ did, however, breach FOIA by responding to the request late. The MOJ must ensure that this delay is not repeated in future. Information Tribunal appeal number EA/2011/0240 dismissed.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50386674](#)

Medicines and Healthcare Products Regulatory

Agency

Case Ref: FS50364598

Date: 22/09/2011

Summary: On 2 February 2010 the complainant requested information about the correspondence and communications between the MHRA and another organisation. The MHRA did not respond to this request. After correspondence with the Commissioner, it explained that it believed it was not obliged to respond to this request for information by virtue of section 17(6) because it was part of a pattern of requests that were vexatious under section 14(1). The Commissioner considered the complainant's own personal data in an assessment made under the Data Protection Act 1998 ('the DPA'). For the remainder of the information, the Commissioner considers that the MHRA was correct in finding that the request was vexatious under section 14(1) and that it did not need to answer it. The Commissioner has also found that the MHRA could rely on section 17(6) appropriately and requires no remedial steps to be taken in this case. Information Tribunal appeal number EA/2011/0238 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50364598](#)

Bristol City Council

Case Ref: FS50361518

Date: 21/09/2011

Summary: The complainant made a request relating to the ownership of a piece of land where a specified gate had been positioned. The public authority determined that the request was vexatious and applied section 14(1) of the Act, and wrote to the complainant, explaining that it would not respond to any further requests on this matter. The Commissioner has investigated and finds that the Council correctly applied section 14(1) to the request and requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50361518](#)

West Mercia Police

Case Ref: FS50396632

Date: 20/09/2011

Summary: The complainant requested information relating to a police investigation. Having had his first requests refused on the grounds of exceeding the cost threshold he then submitted 24 separate requests on the same day. The public authority aggregated the cost of compliance with these

requests and again refused to disclose this information on the grounds that to do so would exceed the appropriate limit. The Commissioner's decision is that the public authority correctly aggregated the costs and that compliance would exceed the appropriate limit. It is not required to comply with the request.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld

[View a PDF of decision notice FS50396632](#)

West Lindsey District Council

Case Ref: FS50373344

Date: 19/09/2011

Summary: The complainant requested information about the public authority's use of a 'single point of contact' procedure. The public authority refused the request as vexatious under section 14(1) of the Act. The Commissioner finds that the request was correctly refused as vexatious and he requires no action to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50373344](#)

East Riding of Yorkshire Council

Case Ref: FS50378227

Date: 19/09/2011

Summary: The complainant is in a dispute with the council over the actions it took relating to planning matters on his neighbours property. He asked the council to explain how "the council can allow residential development to take place without a change of use being granted". The council initially refused to respond to the request as it argued that a question did not constitute a valid request under the Act. The Commissioner therefore provided guidance on the issue of questions being regarded as requests under the Act. The council then wrote to the complainant and refused the request under Regulation 12(4)(b) (manifestly unreasonable). The Commissioner's decision is that the council was correct to apply Regulation 12(4)(b) to the request and that the public interest favours maintaining the exception in this instance. However the council breached Regulation 14(3)(a) and (b) and 14(5)(a) and (b) in that it did not initially provide a valid refusal notice which provided all of the details which are required within refusal notices under the Regulations.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50378227](#)

Home Office

Case Ref: FS50380320

Date: 19/09/2011

Summary: The complainant has requested information relating to funding the Home Office has provided to the Association of Chief Police Officers (ACPO) for the years 2009 and 2010. This request was refused under section 14(1) as the request was considered vexatious. The Commissioner's decision is that the request was not vexatious and so the public authority has unreasonably withheld the information the complainant requested.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50380320](#)

Somerset County Council

Case Ref: FS50370481

Date: 15/09/2011

Summary: The complainant asked the Council a series of questions around its involvement in an on-going complaint to CIPFA which he had made against one of its employees. The Council refused the request on the grounds that it was vexatious citing section 14(1) of the Act. The Commissioner has investigated and finds that the Council correctly applied section 14(1) of the Act. Information Tribunal appeal EA/2011/0224 allowed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50370481](#)

Greater Manchester Police

Case Ref: FS50391327

Date: 15/09/2011

Summary: The complainant asked Greater Manchester Police (the "public authority") to provide information relating to interpreters. The public authority refused to deal with the request on the grounds that it was vexatious, citing section 14(1) of the Freedom of Information Act 2000 (the "Act"). The Commissioner finds that the public authority failed to provide adequate reasons that the complaint was vexatious and accordingly directs that the public authority either disclose the information or issue a refusal notice in compliance with section 17(1) of the Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50391327](#)

Leeds City Council

Case Ref: FS50326588

Date: 12/09/2011

Summary: The complainant requested, under the Freedom of Information Act

2000 (the Act), all the information it held on its internet and intranet IT systems for two years in a specified format and all other information held electronically about a set of meetings. The Council considered that the request was in its context vexatious by virtue of section 14(1) of the Act. The complainant referred this case to the Commissioner. The Council subsequently withdrew its reliance on the exclusion. It came to the view that the work required to provide the information for the first request exceeded the costs limit and applied section 12(1). It provided the information that it held for the second request. The Commissioner finds that the Council was entitled to rely on section 12(1) in relation to the first request. He also upholds the Council's position in relation to the second request in that no further information is held. He also finds a number of procedural breaches, but requires no remedial steps to be taken.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 10 - Complaint Upheld, FOI 11 - Complaint Not upheld, FOI 12 - Complaint Not upheld, FOI 16 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50326588](#)

University of Lancaster

Case Ref: FS50381927

Date: 12/09/2011

Summary: The complainant made a request for information about the amount of water that the University used and how much it cost. The University explained that it viewed the request as vexatious and would not therefore answer it. It was relying on the exclusion found in section 14(1). The complainant referred the case to the Commissioner. The Commissioner has determined that the request was vexatious and requires no remedial steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50381927](#)

University of Lancaster

Case Ref: FS50374309

Date: 12/09/2011

Summary: The complainant made six requests for information on the same day to the University that were on a diverse range of topics. The University applied section 14(1) and refused to respond to these requests, stating that they were vexatious. During the course of the investigation, the University reconsidered its position in relation to one of the requests and provided the information. In relation to the remaining requests, the Commissioner has determined that they are vexatious. He therefore upholds the University's use of section 14(1).

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

Independent Police Complaints Commission

Case Ref: FS50401240

Date: 06/09/2011

Summary: The complainant made two requests for information about IPCC managed investigations. The public authority refused the requests on the grounds that they were vexatious and cited section 14(1). The Commissioner finds that these requests were not vexatious and so the public authority was incorrect to refuse to comply with them. The public authority is now required to either disclose the requested information, or provide valid alternative reasons for why it will not disclose this information. Information Tribunal appeal EA/2011/0222 allowed.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50401240](#)

Independent Police Complaints Commission

Case Ref: FS50391145

Date: 06/09/2011

Summary: The complainant made two requests for information about IPCC managed investigations. The public authority refused the requests on the grounds that they were vexatious and cited section 14(1). The Commissioner finds that these requests were not vexatious and so the public authority was incorrect to refuse to comply with them. The public authority is now required to either disclose the requested information, or provide valid alternative reasons for why it will not disclose this information. Information Tribunal appeal EA/2011/0222 allowed.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50391145](#)

Cardiff Council

Case Ref: FS50366306

Date: 30/08/2011

Summary: The complainant requested information relating to the television programme Doctor Who. The Council refused the request on the basis that the estimated cost of compliance would exceed the appropriate limit as set out at section 12(1) of the Act and the Fees Regulations. In its internal review the Council stated that it was also relying on section 14(1) of the Act. The Commissioner has investigated and found that sections 12(1) and 14(1) of the Act are not engaged. The Commissioner requires that the Council now confirm or deny to the complainant if the information requested is held and, if held,

disclose the information or issue a valid refusal notice under section 17(1) of the Act. Information Tribunal appeal number EA/2011/0215 dismissed.

Section of Act/EIR & Finding: FOI 12 - Complaint Upheld, FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50366306](#)

Denbighshire County Council

Case Ref: FS50382825

Date: 25/08/2011

Summary: The complainant requested information about the North Hoyle Offshore Wind Farm Community Benefit Fund. The public authority originally stated that it did not hold the requested information but refused to comply with the request on the basis that it was vexatious and repeated. At the internal review stage the public authority stated that it did not hold the requested information but maintained the requested was vexatious and repeated. During the course of the Commissioner's investigation the public authority withdrew its reliance on section 14(1) and 14(2) of the Act and said that it did not hold the requested information. The Commissioner considered on balance of probabilities whether the information requested was held by the public authority and determined that it was not. Information Tribunal appeal EA/2011/0211 struck out.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50382825](#)

Department for Work and Pensions

Case Ref: FS50365476

Date: 23/08/2011

Summary: The complainant requested information about an individual's state of mind at a set time. The Department of Work and Pensions (the "DWP") refused the request under section 14(2) (a repeat request) and maintained its position in its internal review. The Commissioner asked the DWP to justify its reliance on section 14(2). It was unable to do so. Instead, it argued that it did not hold relevant recorded information and could not therefore provide it. The Commissioner has determined that on the balance of probabilities the DWP did not hold any relevant recorded information for this request. However, he does find breaches of section 1(1)(a) and 10(1), because the DWP did not tell the complainant in 20 working days. He requires no remedial action to be undertaken in this case.

Section of Act/EIR & Finding: FOI 1 - Complaint Partly Upheld, FOI 10 - Complaint Upheld

[View a PDF of decision notice FS50365476](#)

Richmond upon Thames London Borough Council

Case Ref: FS50367591

Date: 23/08/2011

Summary: The complainant submitted a series of requests to the public authority for information regarding the costs of a Community and Police Partnership. He was particularly interested in how a named individual's role was funded. The public authority determined that the complainant's most recent request was vexatious. The Commissioner has investigated and found that the public authority correctly applied the provisions of section 14(1) of the Act. Information Tribunal appeal number EA/2011/0208 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50367591](#)

Medicines and Healthcare Products Regulatory

Agency

Case Ref: FS50373036

Date: 22/08/2011

Summary: The complainant requested, under the Freedom of Information Act 2000 (the 'Act'), information from the MHRA about its procedures in set circumstances. The MHRA provided some information and explained that it did not hold further information. The complainant asked for an internal review and the MHRA upheld its position. The case was referred to the Commissioner. The Commissioner found one relevant policy and ensured that this was disclosed to the complainant, but finds on the balance of probabilities that the MHRA does not hold any further relevant recorded information in this case. The Commissioner finds a breach of section 10(1) because the single policy was not provided in twenty working days. However, he does not require any remedial steps to be taken as it has now been provided. Information Tribunal appeal EA/2011/0198 struck out.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld, FOI 10 - Complaint Upheld

[View a PDF of decision notice FS50373036](#)

Medicines and Healthcare Products Regulatory

Agency

Case Ref: FS50384738

Date: 22/08/2011

Summary: The complainant requested under the Freedom of Information Act 2000 (the 'Act') some information about a compliance investigation that the MHRA had undertaken. The MHRA replied that it believed that section 44

applied and it withheld the information. It also withheld the name of one of its member's of staff by virtue of section 40(2). The complainant referred this case to the Commissioner. In particular, he argued that the wrong statutory bar had been applied by the MHRA. The Commissioner finds that section 44(1)(b) has been applied appropriately to all of the information withheld under section 44. He also finds that the MHRA have applied the appropriate statutory bar. He has also found that section 40(2) has been applied appropriately to the one name. He finds procedural breaches of sections 17(1) and 17(1)(b), but requires no remedial steps to be taken in this case. Information Tribunal appeal EA/2011/0199 withdrawn.

Section of Act/EIR & Finding: FOI 17 - Complaint Upheld, FOI 40 - Complaint Not upheld, FOI 44 - Complaint Not upheld

[View a PDF of decision notice FS50384738](#)

New Milton Town Council

Case Ref: FS50384900

Date: 22/08/2011

Summary: The complainant requested information from the public authority relating to complaints and correspondence about websites he was involved with. The public authority refused to deal with the request on the grounds that it was vexatious, citing section 14(1) of the Freedom of Information Act 2000 (the "Act"). The Commissioner finds that the public authority failed to provide adequate reasons that the complaint was vexatious and accordingly directs that the public authority either disclose the information or issue a refusal notice in compliance with section 17(1) of the Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50384900](#)

Queens College

Case Ref: FER0322910

Date: 08/08/2011

Summary: The complainant made two sets of requests to the Queen's College (the "public authority") for information principally relating to the proposed sale of land at Keresley, which formed part of larger plans for a residential development. The public authority responded by stating that, for most parts of the request, it did not hold recorded information. Where any information did exist, though, the public authority claimed that this was commercially sensitive and so would not be released. As part of his investigation, the Commissioner has asked the public authority to clarify the particular access-regime it was considering the requests under and to identify the specific exemption or exception that it was relying on in order to withhold requested information. The Commissioner has determined that the public authority correctly cited regulation 12(4)(d) of the Environmental Information Regulations 2004 (EIR)

to some of the requested information. However, the Commissioner has found that the public authority failed to support its application of regulations 12(4)(b) and 12(5)(e) of the EIR and sections 21 and 43 of the Freedom of Information Act 2000 (the "Act") to other parts of the information it holds. He therefore requires the disclosure of this information. Furthermore, the Commissioner considers that the public authority breached regulations 5 and 14 of the EIR and sections 1 and 17 of the Act.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 21 - Complaint Upheld, FOI 43 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 12.4.b - Complaint Upheld, EIR 12.4.d - Complaint Partly Upheld, EIR 12.5.e - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0322910](#)

Bexley London Borough Council

Case Ref: FS50382405

Date: 28/07/2011

Summary: The complainant's request was refused as vexatious. It is identical to a previous request, also refused as vexatious under section 14(1) of the Freedom of Information Act. That previous refusal had been upheld by the Commissioner. The complainant has stated that the present request is not connected to the previous request. The Commissioner upholds the refusal of the present request and requires no action to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50382405](#)

Cumbria County Council

Case Ref: FS50392213

Date: 27/07/2011

Summary: On 8 September 2010 the complainant requested information from Cumbria County Council ('the council'). Following the Commissioner's Decision Notice of 31 March 2011, the council stated that the information had been provided on a repeated basis. The Commissioner investigated and found that the information was environmental and the council was entitled to refuse to disclose the information under the exception at regulation 12(4)(b) of the Environmental Information Regulations in that the request was manifestly unreasonable and the public interest in maintaining the exception outweighs the public interest in disclosure. The council is not required to take any further steps in respect of this complaint. Information Tribunal appeal number EA/2011/0192 dismissed.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld

Cabinet Office

Case Ref: FS50366824

Date: 19/07/2011

Summary: The complainant asked the Cabinet Office to provide him with all records held relating to its handling of a previous freedom of information request dated 22 September 2009 which had resulted in a Decision Notice being issued (Reference FS50305150). The public authority issued a refusal notice stating that it was not obliged to comply the request by virtue section 14(1) (vexatious requests) of the Freedom of Information Act. The Cabinet Office did not respond to the Commissioner's request for further arguments in support of its application of section 14(1). The Commissioner has found that the Cabinet Office incorrectly applied section 14(1) to the request. The complaint is upheld and the Cabinet Office is required to confirm or deny whether it holds the information and, if it is held, either to disclose the requested information or else issue a valid refusal notice under section 17 of the Act.

Section of Act/EIR & Finding: FOI 10 - Complaint Not upheld, FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50366824](#)

One North East

Case Ref: FS50361346

Date: 07/07/2011

Summary: The complainant made a request for information about project-related financial transactions between One North East and subsidiary companies, and for breaches of procurement requirements by One North East, together with "clawback" of grant. One North East responded citing a refusal under section 14(1) of the Act (vexatious request). The Commissioner, on balance, considers that the public authority was entitled to refuse the request under section 14(1). Information Tribunal appeal number EA/2011/0179 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50361346](#)

Newham London Borough Council

Case Ref: FS50320163

Date: 30/06/2011

Summary: The complainant submitted several requests for information about a Controlled Parking Zone. The Council initially provided some of the requested

information, withheld other information, and stated some information was not held. Upon internal review, the Council applied the exclusions at sections 14(1) and 14(2). The Commissioner has investigated and concluded that the Council correctly applied section 14(1). However, the Council breached section 17(5) by failing to provide the complainant with a notice setting out its reliance on section 14 within the statutory time for compliance of 20 working days. The Commissioner does not require the Council to take any further action.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50320163](#)

Legal Services Commission

Case Ref: FS50294583

Date: 29/06/2011

Summary: The complainant requested that the public authority provide him with the information it held about the training of three of its employees. The public authority provided information it held; however the complainant, believing that it held more asked for a review. The outcome of the review was that the public authority revised its original position and relied instead on section 14(1), that the request was vexatious, as its basis for not complying with the information request. The Commissioner found that section 14(1) was engaged but that a procedural breach had occurred. Information Tribunal appeal number EA/2011/0163 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50294583](#)

Lancashire Fire and Rescue Service

Case Ref: FS50351585

Date: 28/06/2011

Summary: The complainant made requests to Lancashire Fire and Rescue Service for copies of communications relating to its handling of a complaint he submitted against the Chair of Lancashire Combined Fire Authority. He also requested details of all expenses the Chair had claimed over a period of nine years. The public authority refused the requests as vexatious and applied section 14(1) of the Freedom of Information Act 2000 (the 'Act'). The Commissioner's decision is that the public authority was entitled to rely upon section 14(1) and he requires no further action to be taken. Information Tribunal appeal number EA/2011/0158 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50351585](#)

Gwent Police

Case Ref: FS50377660

Date: 27/06/2011

Summary: The complainant made a request for copies of incident logs and any other logs held by the public authority that related to a specific incident that occurred near his home in July and August 2009. The public authority originally used sections 31, 38 and 40 of the Act to refuse the request but determined, at the internal review stage, that the request was vexatious and applied section 14(1). The Commissioner has considered the matter and determined that, although the way the public authority had handled previous requests had contributed to the complainant's obvious mistrust of the information it disclosed to him, on balance the application of section 14(1) was appropriate. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50377660](#)

Valuation Tribunal Service

Case Ref: FS50348826

Date: 27/06/2011

Summary: The complainant requested information relating to his dealings with the Valuation Tribunals Service (VTS). The VTS responded citing section 32 of the Act (court records). Following developments in this case, the Commissioner has not gone on to consider the VTS's citing of an exemption.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50348826](#)

Stockport Metropolitan Borough Council

Case Ref: FS50316377

Date: 27/06/2011

Summary: The complainant made 51 requests for information from Stockport Metropolitan Borough Council ("the Council"), between 13 January 2010 and 8 May 2010 relating to land and financial issues associated with a school development. The Council refused to comply with the requests on the grounds that it considered them to be vexatious under section 14 of the Freedom of Information Act 2000 and manifestly unreasonable under regulation 12(4)(b) of the Environmental Information Regulations 2004 and as such, advised the complainant she would not receive a response to her requests. The Commissioner finds that the Council correctly applied section 14(1) to some of the requests and that regulation 12(4)(b) was correctly applied to the environmental information.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, EIR 12.4.b - Complaint Not upheld

City University

Case Ref: FS50319503

Date: 23/06/2011

Summary: The complainant requested under the Freedom of Information Act 2000 (the 'Act') the workplace email addresses of all of the University's staff. The University confirmed that it held the information, but considered that the request was invalid. If the request was not invalid, then it believed sections 14(1), 21(1), 38(1) 40(2) and section 44(1) of the Act applied to the information. The complainant requested an internal review stating that he was prepared to limit his request to those staff who had not specifically requested anonymity. Following internal review the University accepted its reliance on sections 38(1) and 44(1) was no longer necessary due to the narrowing of the request but maintained its position otherwise. It also applied section 12(1). The complainant referred this case to the Commissioner. He further limited his complaint by confirming that he did not want the email addresses where individuals had expressed concern about their personal safety. During the course of his investigation, the University indicated that it was prepared to disclose all the outstanding email addresses that were within the scope of the complaint once it had undertaken a consultation with staff. However despite this assertion it has not provided the information or any further arguments about the application of exemptions. The Commissioner determines that the University was entitled to apply section 21(1) to the workplace email addresses on its contact directory. For the remaining workplace email addresses within the scope of the complaint, he has found that no exemptions have been appropriately applied to them. He has therefore ordered that this information is disclosed. He also finds procedural breaches of sections 1(1), 1(1)(b) and 10(1) because this information was not disclosed within twenty working days from receiving the request.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 12 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 21 - Complaint Upheld, FOI 40 - Complaint Upheld

[View a PDF of decision notice FS50319503](#)

Stevenage Borough Council

Case Ref: FS50367684

Date: 22/06/2011

Summary: The complainant requested details of the costs incurred by Stevenage Borough Council (the Council) in relation to an Information Tribunal case. The Council issued a refusal notice citing section 14(1) (vexatious) in respect of the request. In this case, having considered the context and history of the request, the Commissioner considers that there are sufficient grounds to

uphold the application of section 14(1).

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50367684](#)

CityWest Homes

Case Ref: FS50368324

Date: 15/06/2011

Summary: complainant submitted several requests to City West Homes ('CWH') for information about its policies and actions. The public authority withheld this information under section 14 of the Act on the grounds that the requests were vexatious. The Commissioner has investigated and found that the Council has applied section 14(1) to these requests correctly. The Commissioner does not require the Council to take any further action.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50368324](#)

West Dorset District Council

Case Ref: FER0360240

Date: 02/06/2011

Summary: The complainant asked for permission to visit the Council's archives and "have access to, research and make copies" of all documents relating to the transfer of property previously owned by the former Lyme Regis Town Council to West Dorset District Council. The Council refused the request on the basis that it considered it to be manifestly unreasonably under regulation 12(4) (b) of the Environmental Information Regulations 2004 but during the course of the Commissioner's investigation sought to rely on section 14(1) (vexatious requests) of the Freedom of Information Act 2000. The Commissioner agrees that in this case the Act is the relevant legislation and he found that the Council had appropriately applied section 14(1). Information Tribunal appeal number EA/2011/0157 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FER0360240](#)

Warwickshire County Council

Case Ref: FS50348852

Date: 31/05/2011

Summary: The complainants asked Warwickshire County Council whether it had received any fees or advantage as a result of introducing its employees to a particular pension scheme. The public authority issued a refusal notice stating the request was exempt by virtue of the exclusions under sections

14(1) (vexatious requests) and 14(2) (repeated requests) of the Freedom of Information Act 2000. The Commissioner has considered the submissions of both parties and has determined that the public authority's application of section 14(1) was properly applied; however he finds that section 14(2) was not engaged. The complaint is therefore partly upheld. The public authority's handling of the request also resulted in breaches of certain procedural requirements of the Act as identified in this Notice. Information Tribunal appeal number EA/2011/0134 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Partly Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50348852](#)

Wiltshire Police

Case Ref: FS50354115

Date: 31/05/2011

Summary: The complainant requested information regarding a Wiltshire Police (the 'Police') investigation entitled Operation Antler. Requests made by the complainant regarding Operation Antler had previously been deemed vexatious under section 14(1) of the Act. The Police did not respond to the request because of this, relying on section 17(6) of the Act. The Commissioner finds that the Police satisfied all 3 criteria of section 17(6); it was therefore unreasonable in all the circumstances to issue a further refusal notice.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Not upheld

[View a PDF of decision notice FS50354115](#)

Warwickshire County Council

Case Ref: FS50371802

Date: 31/05/2011

Summary: The complainant asked the public authority to provide information relating to her pension statement and the dates it reached Warwickshire County Council and herself. The public authority did not respond to this request as it was relying on a previous refusal notice citing the exclusion at section 14 of the Freedom of Information Act 2000 (the 'Act'), which relates to vexatious and repeated requests. In reaching a decision in respect of this complaint, the Commissioner has taken account of the reasoning and analysis of the same history and context he considered in a previous similar complaint from the complainant (Decision Notice reference FS50348852) in which he upheld Warwickshire County Council's decision to apply section 14(1) to that request. The Commissioner has found that section 14(1) also applies in this case and has therefore not upheld the complaint. Information Tribunal appeal number EA/2011/0133 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

University of Greenwich

Case Ref: FS50318740

Date: 26/05/2011

Summary: The complainant requested under the Freedom of Information Act 2000 (the 'Act') the workplace email addresses of all of the public authority's staff. The public authority confirmed that it held the information, but believed that it was exempt. It argued that the request may be invalid by virtue of section 8, but in the event that it was valid, sections 40(2) [third party personal data] and section 14(1) [vexatious requests] applied. The complainant requested an internal review and the public authority maintained its position. The complainant then referred this case to the Commissioner. During the course of his investigation, the public authority provided evidence that it was now relying on section 36(2)(c) [information would prejudice the effective conduct of public affairs]. The Commissioner finds that section 36(2)(c) was engaged and that in all the circumstances of the case the public interest favoured the maintenance of the exemption over the disclosure of the information. He has therefore not been required to make a formal decision about the operation of either section 40(2) or section 14(1). He has found procedural breaches of sections 17(1)(b) and section 17(3), but requires no remedial steps to be taken.

Section of Act/EIR & Finding: FOI 17 - Complaint Upheld, FOI 36 - Complaint Not upheld

[View a PDF of decision notice FS50318740](#)

Wyre Borough Council

Case Ref: FS50324562

Date: 25/05/2011

Summary: The complainant submitted two requests for information relating to council lawnmowers. The public authority responded, disclosing some information, but subsequently refused to conduct an internal review on the grounds that the requests were vexatious, under section 14(1) of the Act. The Commissioner finds that the requests were incorrectly refused as vexatious and requires the public authority to provide a response to the complainant which complies with the requirements of section 1 of the Freedom of Information Act 2000.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50324562](#)

Wyre Borough Council

Case Ref: FS50325638

Date: 25/05/2011

Summary: The complainant requested information about the expenses of two borough councillors. The public authority disclosed some information but this was considered by the complainant to be incomplete and he requested an internal review of the response. An internal review was not conducted, but the public authority subsequently wrote to the complainant, informing him that the request was now refused as vexatious, under section 14(1) of the Freedom of Information Act. The Commissioner finds that the public authority was incorrect to refuse the request as vexatious and upholds the complaint. He also finds that the public authority breached section 1(1)(a) and section 10(1) of the Act. He requires the public authority to provide a response to the complainant which complies with section 1 of the Act.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50325638](#)

Department of Energy and Climate Change

Case Ref: FS50358047

Date: 24/05/2011

Summary: The complainant made a number of requests to the Department of Energy and Climate Change (the "DECC") on 18 May 2010 relating to the primary and secondary legislation and other prescribed rules, regulations, and procedures governing the acquisition of land rights and the acquisition of other permissions, in connection with high voltage overhead powerlines. The DECC refused to comply with the requests under section 14(1) of the Freedom of Information Act 2000 as it deemed the requests vexatious. The Commissioner considers that section 14(1) was applied correctly to some of the requests: however he has found that some of the requests were for environmental information. During the course of the Commissioner's investigation the DECC applied regulation 12(4)(b) of the Environmental Information Regulations 2004 to the parts of the request for environmental information as it deemed those requests to be manifestly unreasonable. The Commissioner considers that regulation 12(4)(b) was applied correctly to the environmental information. The complainant subsequently made another request for information relating to the same subject matter on 16 June 2010. The DECC did not respond to this request. The Commissioner considers that the request of 16 June 2010 was for environmental information and requires the DECC to respond to this request under the appropriate legislation. Information Tribunal appeal number EA/2011/0129 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50358047](#)

West Berkshire District Council

Case Ref: FS50307784

Date: 16/05/2011

Summary: The complainant asked West Berkshire District Council ("the Council") to disclose the precise salary of a member of its staff. The Council refused to provide the information citing the exemption under section 40 of the Freedom of Information Act 2000 ("the FOIA"). It also referred to the exclusion for vexatious and repeated requests under section 14. The Commissioner decided that the information was exempt under section 40(2) and he therefore does not require any steps to be taken.

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50307784](#)

English Heritage

Case Ref: FER0382502

Date: 16/05/2011

Summary: The complainant submitted a request to English Heritage for information relating to the Norwich Site Allocations Plan. English Heritage failed to respond to this request within 20 working days. Subsequently English Heritage confirmed that the requested information fell under the Environmental Information Regulations 2004 and provided the requested information to the complainant. The Commissioner finds that English Heritage breached regulation 5(2) by failing to make the requested information that it held available within the statutory time for compliance. He does not require English Heritage to take any further action.

Section of Act/EIR & Finding: EIR 5 - Complaint Upheld

[View a PDF of decision notice FER0382502](#)

Bexley London Borough Council

Case Ref: FS50288058

Date: 16/05/2011

Summary: The complainant requested information relating to council committees. The public authority did not provide a response to these requests. The Commissioner finds that the requests are similar to requests previously submitted by the complainant which had been refused by the public authority as vexatious under section 14(1) of the Act, and that under the provisions of section 17(6) of the Act the public authority was not obliged to issue a further refusal in this case. He requires no action to be taken.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld, FOI 17 - Complaint Not upheld

Hampshire Constabulary

Case Ref: FS50348271

Date: 16/05/2011

Summary: The complainant made a request for information to Hampshire Constabulary (the Constabulary) on 10 March 2010. On 15 March 2010 he made a similar and related request for information. The Constabulary treated both requests as a single request and refused to provide the information in reliance on section 14(1) of the Act (Vexatious or repeated requests). The Commissioner considers the complainant's requests to have been correctly deemed vexatious under section 14(1) of the Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50348271](#)

City of York Council

Case Ref: FER0349470

Date: 11/05/2011

Summary: The complainant submitted a request to the City of York Council ('the Council') for information from environmental records held on a property in York. The Council stated that it would only provide a collated version of this information upon provision of a fee. During the course of the investigation, the Council also informed the Commissioner that it relied on the exception at regulation 12(4)(b), which applies to manifestly unreasonable requests. The Commissioner finds that Council has breached regulations 5(1) and 5(2) of the EIR as it failed to make the requested information available on request within the statutory time for compliance. The Council has also breached regulation 6(2)(c) by failing to make the complainant aware of the appeal provisions of the EIR when refusing to provide information in a specific format. The Council has breached regulation 8(3) by charging an unreasonable fee for providing some of the information. The Commissioner finds that the Council applied the exception at regulation 12(4)(b) incorrectly. The Council has breached regulation 14(3)(a) by failing to cite the exception it relied upon in its response to the complainant, and regulation 14(3)(b) by failing to inform the complainant of the details of its public interest test in relation to the exception. The Commissioner requires the Council to make the requested information available for the complainant in the form of a print-out within 35 days of this notice.

Section of Act/EIR & Finding: EIR 5 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 6 - Complaint Upheld, EIR 8 - Complaint Upheld, EIR 12.4.b - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0349470](#)

Selby District Council

Case Ref: FER0354514

Date: 11/05/2011

Summary: The complainant submitted a request to Selby District Council ('the Council') for information from environmental records held on a property in Selby. The Council stated that it would provide a collated version of this information upon provision of a fee, as it was reasonable for it to make the information available in a format other than inspection under regulation 6(1)(a). The Council also applied the exception at regulation 12(4)(b), which applies to manifestly unreasonable requests. The Commissioner finds that Council has breached regulations 5(1) and 5(2) of the EIR as it failed to make the requested information available on request within the statutory time for compliance. The Council has breached regulation 8(3) by imposing a charge for the costs of activities it was not entitled to take into account. The Council has also breached regulation 11(4) by failing to provide its internal review outcome within 40 working days. The Commissioner finds that the Council applied the exception at regulation 12(4)(b) incorrectly, and that it breached regulation 14(2) by failing to inform the complainant that it relied upon this exception within the statutory time for compliance. However, the Commissioner finds that the Council correctly relied upon regulation 6(1)(a) as it was reasonable for it to make information available in a format other than inspection. The Commissioner requires the Council to make the requested information available to the complainant in an alternative format within 35 days of this notice.

Section of Act/EIR & Finding: EIR 5 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 6 - Complaint Not upheld, EIR 8 - Complaint Upheld, EIR 11 - Complaint Upheld, EIR 12.4.b - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0354514](#)

South Gloucestershire Council

Case Ref: FS50306962

Date: 11/05/2011

Summary: From 2008, the complainant, acting in concert with other parties, made a number of requests to South Gloucestershire Council regarding costs, staffing levels and service procedures within the Council's taxi licensing department. The Council refused to comply with one of the requests sent by one of his associates, claiming that it was vexatious under section 14(1) of the Act and repeated under section 14(2) of the Act, and it wrote to the relevant parties, including the complainant, explaining that it would not respond to any further related requests for a certain period of time.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Partly Upheld

[View a PDF of decision notice FS50306962](#)

Legal Services Commission

Case Ref: FS50314387

Date: 28/03/2011

Summary: The complainant requested information regarding the Chief Executive of the Legal Services Commission ('the LSC'), the Magee review and his report. The LSC responded by providing some information in the normal course of business and refusing to provide further information on the grounds that the request was vexatious and therefore excluded under section 14(1) of the Freedom of Information Act 2000 ('the FOIA'). The Commissioner has investigated and finds that the LSC correctly applied section 14(1).

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50314387](#)

Camden Council

Case Ref: FER0299722

Date: 28/03/2011

Summary: The complainant made a series of requests to London Borough of Camden (the 'Council') for various information relating to a proposed residential development. The Council refused the requests and applied sections 12 and 14 of the Freedom of Information Act 2000 (the 'FOI Act'). However, in the Commissioner's view the requests relate to environmental information and therefore fall for consideration under the Environmental Information Regulations 2004 (the 'EIR'). The Commissioner's decision is that the requests are manifestly unreasonable and the Council was entitled to refuse them under regulation 12(4)(b) of the EIR. However, the Commissioner finds that the Council breached regulation 14 of the EIR in its handling the request. Information Tribunal appeal number EA/2011/0110 dismissed.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0299722](#)

Student Loans Company Ltd

Case Ref: FS50346909

Date: 28/03/2011

Summary: The complainant requested the issue date of a specific version of a document known as the 'Correspondence Manual' from the Student Loans Company (the 'SLC'). This was refused as the SLC believed the request was made as part of an old case which it considered to be closed. When the complainant made it clear this was a new request, the SLC refused to provide it under section 14(1) of the Freedom of Information Act 2000 (the 'Act'). The

Commissioner finds that the SLC was correct to refuse the request as vexatious. He also found some procedural breaches of the Act. Information Tribunal appeal number EA/2011/0121 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50346909](#)

Student Loans Company Ltd

Case Ref: FS50351891

Date: 28/03/2011

Summary: The complainant requested information concerning the word processing software and the document scanning equipment used by the Student Loans Company (the "SLC") in 2007. This was refused by the public authority under section 14(1) of the Freedom of Information Act 2000 (the "Act"). The Commissioner finds that the SLC was correct to refuse the request as vexatious.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50351891](#)

Department for International Development

Case Ref: FS50312175

Date: 24/03/2011

Summary: The complainant submitted a request to the Department for International Development (DFID) which asked for 50 specific documents which he identified by both their title and reference number on DFID's electronic document records management system. DFID withheld 40 documents in their entirety; disclosed 8 documents in a redacted format and explained that the remaining 2 documents were in fact duplicates of other documents. DFID relied on the exemptions contained at sections 27(1)(a) to (d); 35(1)(a); 38(1)(a) and (b); 40(2) and 43(2) of the Act to withhold the information not provided to the complainant. The Commissioner has reviewed the information that has been withheld and is satisfied that sections 27(1)(a) to (d) and section 40(2) provide a basis to withhold this information.

Section of Act/EIR & Finding: FOI 27 - Complaint Not upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50312175](#)

Common Council of the City of London

Case Ref: FS50347960

Date: 24/03/2011

Summary: The complainant requested the City of London ('CoL') to release

copies of all correspondence between Alderman Luder and all Church of Scientology organisations in the last five years. The CoL responded refusing to comply with this request under section 14(1) of the Act. As the complainant remained dissatisfied, he approached the Commissioner. The Commissioner investigated the complaint and decided that section 14(1) of the Act does apply to this request. He therefore requires no further steps to be taken. Information Tribunal appeal EA/2011/0082 allowed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50347960](#)

Common Council of the City of London

Case Ref: FS50361229

Date: 24/03/2011

Summary: The complainant requested the City of London ('CoL') to release copies of all communications it has received from the Church of Scientology ('COSREC') which contain COSREC's objections to the non disclosure of information he requested via an earlier information request dated 9 June 2009. The CoL refused to comply with the request citing section 14(1) of the Act. As the complainant remained dissatisfied he approached the Commissioner. The Commissioner has given the matter careful consideration and he has concluded that section 14(1) applies in this case. He therefore requires no further action to be taken. Information Tribunal appeal EA/2011/0083 allowed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50361229](#)

Imperial College Healthcare NHS Trust

Case Ref: FS50276199

Date: 22/03/2011

Summary: The complainant made 26 sets of requests for information under the Freedom of Information Act 2000 concerning the treatment of her late mother. The public authority replied to some of the requests, but believed sections 14(1) [vexatious requests] and 14(2) [repeated requests] applied to most of them and so it did not answer them. The Commissioner considered this case carefully and decided that: (1) some of the requests were for information that if held would constitute the complainant's own personal data and therefore this information is exempt under section 40(1) of the Act; (2) with regard to requests one to six some information was provided, some was not held and other information was exempt by virtue of sections 40(2), 40(5)(b)(i) and 21(1); and (3) the last 19 sets of requests (those dated 9 December 2009 onwards) were vexatious. The Commissioner has also found a number of procedural breaches, but requires no remedial steps to be taken in this case for the reasons outlined in this Notice. Information Tribunal appeal number

EA/2011/0108 part allowed.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld, FOI 21 - Complaint Not upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50276199](#)

Cabinet Office

Case Ref: FS50318536

Date: 17/03/2011

Summary: The complainant asked the public authority to provide information about communications sent or received by a specified individual and their line manager and direct or indirect reports in relation to the company Phorm. Although the Cabinet Office initially confirmed it held some requested information to which it applied the exemption at section 27(1)(b) (prejudice to international relations), it subsequently issued a refusal notice citing section 14 (vexatious requests), and at the internal review stage it stated that it held no information. During the Commissioner's investigation the public authority sought to rely on the exemption provided by section 40(5)(b)(i), stating that it should instead have given a 'neither confirm nor deny' response. The Commissioner finds that section 40(5)(b)(i) does not apply and that the public authority should now confirm or deny whether it holds the requested information or apply an appropriate exemption. The Commissioner also finds that the public authority did not comply with all of its procedural obligations under the Act.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 40 - Complaint Upheld

[View a PDF of decision notice FS50318536](#)

Devon County Council

Case Ref: FS50317322

Date: 16/03/2011

Summary: The complainant made a request to the Council for information about a particular pedestrian bridge. The Council refused the request on the grounds that it considered the request to be vexatious under section 14(1) of the Act. It maintained its position following an internal review. The Commissioner concluded that the Council appropriately applied section 14(1) of the Act. However, the Commissioner found that by failing to inform the complainant that it was relying upon section 14(1) within 20 working days of receiving the request the Council breached section 17(5) of the Act. He requires no remedial steps to be taken. Information Tribunal appeal EA/2011/0079 allowed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

Environment Agency

Case Ref: FER0347432

Date: 15/03/2011

Summary: The complainants submitted an eight part request for information relating to the way the Environment Agency (the 'EA') had dealt with a complaint they had made about a watercourse. The EA withheld the information under regulation 12(4)(b) (the request was manifestly unreasonable). During the course of the Information Commissioner's investigation, the EA disclosed some information and the complainants withdrew part of their complaint. Information Tribunal appeal number EA/2011/0096 dismissed.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 10 - Complaint Upheld, EIR 11 - Complaint Upheld, EIR 12.4.b - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0347432](#)

Lancashire County Council

Case Ref: FS50375931

Date: 14/03/2011

Summary: The complainant requested all correspondence and information held by Lancashire County Council (the 'Council') regarding any communications with the Local Government Ombudsman within a specified timeframe. The Council considered that the request was vexatious and relied upon section 17(6) when not issuing a refusal notice. The Commissioner considers that the Council was entitled to rely upon section 17(6) and was not required to issue a refusal notice in response to the request. He therefore requires no further steps to be taken. Information Tribunal appeal EA/2011/0100 struck out.

Section of Act/EIR & Finding: FOI 17 - Complaint Not upheld

[View a PDF of decision notice FS50375931](#)

Durham Constabulary

Case Ref: FS50328113

Date: 10/03/2011

Summary: The complainant made two requests for information to Durham Constabulary within six days in February 2010. The first request concerns incident reports made against the Force and the second request comprises of points appertaining to on-going issues between the complainant and the Constabulary. The Constabulary decided that both requests were vexatious and applied section 14(1) of the Act. Following investigation, the Commissioner

upholds the Constabulary's decision.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50328113](#)

Durham Constabulary

Case Ref: FS50319861

Date: 10/03/2011

Summary: The complainant made two requests for information to Durham Constabulary within six days in February 2010. The first request concerns incident reports made against the Force and the second request comprises of points appertaining to on-going issues between the complainant and the Constabulary. The Constabulary decided that both requests were vexatious and applied section 14(1) of the Act. Following investigation, the Commissioner upholds the Constabulary's decision. Information Tribunal appeal EA/2011/0080 allowed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50319861](#)

Children and Family Court Advisory and Support Service

Case Ref: FS50315130

Date: 08/03/2011

Summary: The complainant asked the Children and Family Court Advisory and Support Service (the "public authority") to provide board minutes and papers for a specific time period. The public authority refused to disclose these stating the request was exempt by virtue of the exclusions under sections 14(1) (vexatious requests) and 14(2) (repeated requests) of the Freedom of Information Act 2000 (the "Act"). The Commissioner has considered the submissions of both parties and has determined that the public authority's application of sections 14(1) and (2) was incorrect. The complaint is therefore upheld. The public authority's handling of the request also resulted in breaches of certain procedural requirements of the Act as identified in this Notice.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50315130](#)

Wales Parish Council

Case Ref: FS50302596

Date: 07/03/2011

Summary: The complainant made a three part information request to the

Council. The first part contained eight sections which were identical with the first eight parts of an earlier 15 part request; the second request was for sight of a correspondence file; and, the third request was for separate accounting files. The Commissioner decided that: the first information request was incorrectly refused relying on section 14(2) of the Act and that the section 21(1) exemption was incorrectly applied to the first request; the Council breached section 1(1)(b) of the Act in relation to the first information request; the second information request was neither refused nor satisfied he therefore required the Council to reconsider the second request afresh, and the Council correctly refused the third information request relying on section 21(1) of the Act. He also decided that the Council had breached section 17(1) of the Act.

Section of Act / EIR & Finding: FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 21 - Complaint Partly Upheld

[View a PDF of decision notice FS50302596](#)

Whitby Town Council

Case Ref: FS50300910

Date: 07/03/2011

Summary: The complainant submitted a request to Whitby Town Council (the Council) for various pieces of information. The Council, based on the context and history between it and the complainant, refused the request by virtue of section 14(1) in that it was a vexatious request. The Commissioner has investigated and finds that the public authority were correct to apply section 14(1) to this request. The Commissioner does not require the public authority to take any action.

Section of Act / EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50300910](#)

Whitby Town Council

Case Ref: FS50301480

Date: 07/03/2011

Summary: The complainant submitted a request to Whitby Town Council (the Council) which asked for similar information and matched the format of 6 other requests submitted by different requestors between 19 January 2010 and 5 February 2010. The Council refused to provide the requested information, instead applying section 14(1) to the request. The Commissioner has considered the context and history behind this request and is satisfied that the Council has correctly applied section 14(1). The Commissioner does not require the Council to take any further action.

Section of Act / EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50301480](#)

Eltisley Parish Council

Case Ref: FS50313610

Date: 07/03/2011

Summary: The complainant submitted a series of requests to Eltisley Parish Council (the 'Council') for information about the Council's finances, assets and agreed contracts. These are classes of information listed as being available under the Council's publication scheme. The Council refused to comply with the requests on the grounds they were vexatious and applied section 14(1) of the Freedom of Information Act 2000 (the 'Act'). Having considered the arguments provided by the Council, the Commissioner does not consider that the Council has demonstrated that section 14(1) applies in this case.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50313610](#)

Export Credits Guarantee Department

Case Ref: FS50306973

Date: 02/03/2011

Summary: The complainant requested information about how ECGD had handled a previous request for information. ECGD refused to disclose the information citing section 14(1), 36(2)(b)(i) and (ii) and 36(2)(c). The complainant subsequently made a similar request. ECGD refused this request under sections 14(2), 36(2)(b)(i) and (ii) and 36(2)(c). The Commissioner finds that ECGD was incorrect to refuse the first request under section 14(1). However the Commissioner finds that the information was correctly withheld under section 36(2)(b)(ii). The Commissioner also finds that ECGD was incorrect to rely on section 14(2) in respect of the second request. Again, the Commissioner finds that the information was correctly withheld under sections 36(2)(b)(ii). During the course of the investigation ECGD sought to rely on section 21 in relation to one piece of information. The Commissioner finds that this exemption was wrongly applied, and that this information ought to be disclosed to the complainant. The Commissioner also recorded a number of procedural breaches in the handling of the request.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 21 - Complaint Upheld, FOI 36 - Complaint Not upheld

[View a PDF of decision notice FS50306973](#)

Kent Police

Case Ref: FS50317815

Date: 28/02/2011

Summary: The complainant contacted Kent Police requesting information concerning its fleet listing, including the make and model of vehicles and where they were based, along with the contact details of the fleet manager. Kent Police responded citing a refusal under section 14(1) of the Act (vexatious request). The Commissioner has investigated and considers that the public authority was not entitled to refuse the request under section 14(1).

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50317815](#)

Transport for London

Case Ref: FS50321625

Date: 28/02/2011

Summary: The complainant made a number of requests for information to the public authority. Some of these requests were refused by virtue of section 14(1) (vexatious requests) and others were not answered. The Commissioner has been asked to consider eleven requests substantively and to consider the timeliness of two others. During the investigation, the Commissioner asked the public authority to issue a refusal notice in respect of the six requests that had not been answered. The public authority did so. The public authority has applied section 14(1) to all eleven of the requests under substantive consideration. The Commissioner has considered the arguments of both sides and has determined that section 14(1) has been applied correctly to each of those eleven requests. The Commissioner has also noted that the public authority has committed a number of procedural breaches of sections 10(1) and 17(5) in this case, but requires no further remedial action to be taken. Information Tribunal appeal number EA/2011/0076 dismissed.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50321625](#)

West Rainton and Leamside Parish Council

Case Ref: FS50298913

Date: 28/02/2011

Summary: The complainant asked to inspect various documents held by the Parish Council. The Parish Council allowed the complainant to view the information it held which was relevant to the scope of his request. After viewing the information in situ the complainant is not satisfied that he has seen everything held, he is of the opinion that the Parish Council has withheld some of the information he requested. The Commissioner has investigated and is satisfied that the complainant has been given the opportunity to view all of the information held by the Parish Council that he requested and, therefore does not require the Parish Council to take any further action. Information

Tribunal appeal number EA/2011/0071 dismissed.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50298913](#)

British Transport Police

Case Ref: FS50307722

Date: 28/02/2011

Summary: On 12 March 2010 the complainant contacted the British Transport Police to request information relating to its current fleet of vehicles including the station/location at which each vehicle was based and the name and contact details of the fleet manager. The British Transport Police refused the request as vexatious under section 14(1) of the Act. The Commissioner has investigated and finds that the application of section 14(1) was not justified. He therefore now requires the British Transport Police to either confirm or deny that the information is held and, if it is held, to either provide the complainant with the requested information or issue a valid refusal notice within 35 calendar days of this Notice. He has also decided that the British Transport Police failed to issue a valid refusal notice within the statutory time period as laid out in section 17(5) of the Act, or to notify the complainant of its review procedure or of his right to approach the Commissioner in accordance with its obligations under section 17(7)(a) and (b).

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50307722](#)

Dorset County Council

Case Ref: FS50295366

Date: 24/02/2011

Summary: The complainant submitted six separate information requests to Dorset County Council over a period of three weeks. The Council refused the requests under section 14(1) of the Act because it considered the requests vexatious. The Commissioner finds that two of the requests were for environmental information and therefore should have been dealt with under the EIR. The Commissioner finds that the requests under the Act were vexatious. However, having examined the requests falling for consideration under the EIR, he has concluded that they were not manifestly unreasonable under regulation 12(4)(b) of the EIR. The Council breached regulation 14(3)(a) of the EIR by failing to issue a valid refusal notice in relation to regulation 12(4)(b) to the requests which fell under the EIR. The Commissioner requires the Council to disclose to the complainant that information which was incorrectly withheld under regulation 12(4)(b) or provide a further refusal notice relying upon another exception. Information Tribunal appeal number EA/2011/0097 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, EIR 12.4.b - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50295366](#)

Department for International Development

Case Ref: FS50324650

Date: 24/02/2011

Summary: The complainant requested from the public authority, details of trust fund accounts audited by Ernst & Young in relation to the World Bank Group. The Commissioner considers the complainant's request to have been correctly deemed vexatious under section 14 of the Act. Information Tribunal appeal number EA/2011/0077 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50324650](#)

South Tyneside Council

Case Ref: FS50275763

Date: 24/02/2011

Summary: The complainant submitted two letters containing 78 requests for information to South Tyneside Council ('the Council'). The Council aggregated these requests and initially withheld the requested information under section 12, section 14 and section 21. As a result of its internal review, the Council provided some information. However, it stated that it did not hold some of the requested information, and withheld the remainder under the exemptions at section 12 and section 40. The Commissioner has investigated and found that the Council does not hold some of the requested information. However, it breached section 1(1)(a) by failing to inform the complainant of this. The Council has also applied section 40 to some of the complainant's requests, and has complied with section 1(3) by requesting clarification of others. The Commissioner found that the Council was correct to aggregate the remainder of the requests, but failed to provide adequate evidence that the exemption at section 12 applied. Consequently, the Commissioner requires the Council to comply with section 1(1) in relation to the complainant's outstanding requests for information. The Council must take the steps required within 35 days of this notice.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 12 - Complaint Upheld

[View a PDF of decision notice FS50275763](#)

Stockton on Tees Borough Council

Case Ref: FER0293993

Date: 23/02/2011

Summary: The complainant requested information about planned works on two named roads over a period of 9 years; he subsequently reduced the scope of his request from 9 years to 3 years. The Council provided some of the information which it held electronically but refused to search its manual records stating that to do so for the 9 year period initially requested would exceed the cost limit set out by section 12 of the Freedom of Information Act, and that it could not be certain that it held any manual records relevant to the request. The Commissioner has found that the request should have been considered under the Environmental Information Regulations and that the relevant exception would be 12(4)(b), he has decided that it would not be manifestly unreasonable to comply with the refined request. The Commissioner is also not convinced by the arguments supplied in relation to the original request being manifestly unreasonable. However the complainant has confirmed that information for 3 years (the refined request) would be sufficient for his needs. The Commissioner therefore requires the Council to carry out these searches in relation to the refined request and either provide the complainant with any information it finds or issue a refusal notice which is compliant with the EIR.

Section of Act/EIR & Finding: EIR 9 - Complaint Not upheld, EIR 12.4.b - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0293993](#)

Department for International Development

Case Ref: FS50373136

Date: 22/02/2011

Summary: The complainant submitted four separate requests to the Department for International Development (DFID) each seeking approximately 50 particular documents held by DFID. DFID initially disclosed some documents in response to request 1 but withheld the remaining information on the basis of a number of exemptions. At internal review DFID refused request 1 on the basis of section 14(1) of the Act on the basis that it was vexatious. At this stage DFID also refused requests 2 to 4 on the same basis. The complainant contacted the Commissioner following the application of section 14(1). Following discussions between the DFID and the Commissioner, DFID has withdrawn its reliance on section 14(1) as a basis to refuse all four requests. In light of this decision, this notice simply orders DFID to comply with the requirements of section 1(1)(b) for requests 2 to 4. (The Commissioner will issue a separate notice which addresses DFID's handling of request 1.)

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld

[View a PDF of decision notice FS50373136](#)

Northumberland County Council

Case Ref: FS50305666

Date: 21/02/2011

Summary: The complainant submitted a request for information on income generated from 'section 106' agreements under a certain policy. The Council disclosed some information to the complainant under the Freedom of Information Act, but this did not include all of the information held. After the intervention of the Commissioner, the Council reconsidered the request under the EIR, and stated that the requested information would only be provided if the complainant paid a fee of £925. The Commissioner explained to the Council that the activities it had taken into account could not be included in a fees notice. The Council then confirmed that it relied upon the exception at regulation 12(4)(b) which applies to manifestly unreasonable requests. However, the Council has failed to provide any arguments which explain why the request is manifestly unreasonable and so the Commissioner finds that the exception was applied incorrectly. The Commissioner finds that the Council has breached regulation 8(3) by issuing an unreasonable fees notice, and regulation 8(4) by failing to issue this within the statutory time for compliance. The Council has breached regulation 11(4) by failing to conduct an internal review within 40 working days. The Commissioner also finds that the Council has breached regulation 14(1) by failing to provide a refusal notice, regulation 14(2) by failing to provide a refusal notice within the statutory time for compliance, regulation 14(3)(a) by failing to cite the exception it relied upon regulation 14(3)(b) by failing to conduct a public interest test in relation to the exception, and regulation 14(5) by failing to inform the complainant enforcement and appeal provisions of the EIR. The Commissioner requires the Council to either disclose the requested information to the complainant or issue a valid refusal notice. The Council must take these steps within 35 calendar days.

Section of Act/EIR & Finding: EIR 8 - Complaint Upheld, EIR 8 - Complaint Upheld, EIR 11 - Complaint Upheld, EIR 12.4.b - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50305666](#)

Lancashire County Council

Case Ref: FS50321319

Date: 16/02/2011

Summary: The complainant requested copies of correspondence between Lancashire County Council and Lancashire Fire and Rescue Service about the drafting and amending of consent forms relating to the disclosure of personal data under the Data Protection Act. The public authority refused the request as vexatious, under the provisions of section 14(1) of the Freedom of Information Act. The Commissioner finds that section 14(1) was correctly applied by the

public authority and he requires no action to be taken. Information Tribunal appeal number EA/2011/0085 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50321319](#)

University of Cambridge

Case Ref: FS50321032

Date: 15/02/2011

Summary: The complainant requested information about post-dismissal financial settlements agreed by the public authority. The information was refused under the exemptions provided by sections 40 and 43 of the Act. The Commissioner has considered the public authority's arguments and he finds that the information was correctly withheld under section 40 of the Act. He has therefore not gone on to consider the applicability of section 43 of the Act any further, however he notes that the refusal notice issued by the public authority was deficient and that this constitutes a breach of section 17 of the Act. Information Tribunal appeal number EA/2011/0073 dismissed.

Section of Act/EIR & Finding: FOI 17 - Complaint Upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50321032](#)

Seven Kings High School

Case Ref: FS50300588

Date: 15/02/2011

Summary: The complainant requested information relating to a former employee of the School. The School originally refused the request under section 14(1) of the Act on the grounds that it was vexatious. However, following clarification of the request, the School advised that it did not in fact hold any relevant information. The Commissioner finds that, on the balance of probabilities, the School does not hold the requested information. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 1 - Complaint Partly Upheld, FOI 10 - Complaint Upheld

[View a PDF of decision notice FS50300588](#)

Common Council of the City of London

Case Ref: FS50277373

Date: 10/02/2011

Summary: The complainant requested all internal communications held by either the City Solicitor's Department or the Rates Collection Office that concern mandatory and discretionary rate relief for scientology organisations

between two set dates. The public authority explained that it held recorded information and provided some of it. However, it withheld further information by virtue of sections 31(1)(d) [prejudice to the assessment and collection of any tax...], 40(2) [third party personal data], 41 [information provided in confidence] and 42(1) [legally privileged material]. The complainant approached the Commissioner as he remained dissatisfied with the amount of information disclosed. The Commissioner has carefully considered the case and has decided that for the information covered by section 42(1) the exemption was engaged and the public interest favoured maintaining it. He has found that section 31(1)(d) was not engaged and section 41(1) was only partially engaged. He has found that section 40(2) applies for some of the redacted names but not to others. He has also found a breach of section 16(1) and procedural breaches of section 1(1)(a), 1(1)(b), 10(1) and 17(1). The Commissioner requires that the information identified in the Decision section of this Notice is provided to the complainant within 35 calendar days. Information Tribunal appeal number EA/2011/0043 dismissed.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 16 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 31 - Complaint Upheld, FOI 40 - Complaint Partly Upheld, FOI 41 - Complaint Partly Upheld, FOI 42 - Complaint Partly Upheld

[View a PDF of decision notice FS50277373](#)

Conwy County Borough Council

Case Ref: FS50345725

Date: 10/02/2011

Summary: The complainant requested a copy of Council minutes from a Council meeting at which it was decided that it should undertake a particular course of action that he alleged it had taken. The Council stated that it considered the request to be vexatious. The Commissioner has concluded that the request was vexatious and requires no steps to be taken by the Council.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50345725](#)

South Gloucestershire Council

Case Ref: FS50301278

Date: 09/02/2011

Summary: The complainant made a series of requests to South Gloucestershire Council regarding costs, staffing levels and service procedures within the Council's taxi licensing department. The Council refused to comply with the requests, claiming that they were vexatious under section 14(1) of the Act. The Commissioner finds that the Council correctly applied section 14(1) to the requests, and requires no steps to be taken. The Commissioner also finds that the Council breached section 17(7)(a) of the Act as it failed to provide the

complainant with details of its internal review procedure. Information Tribunal appeal number EA/2011/0048 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50301278](#)

University of Salford

Case Ref: FS50304283

Date: 07/02/2011

Summary: Between 3 November and 13 November 2009 the complainant submitted 13 requests for information to the University of Salford. The earliest two requests were initially refused under section 12 of the Freedom of Information Act, on the basis that the costs of compliance would exceed the appropriate limit, the later requests were all refused as vexatious, under section 14 of the Act. The public authority conducted an internal review, which upheld the previous decision to refuse the requests as vexatious, and is also understood to apply the refusal of section 14 to the first two requests. The Commissioner's decision is that the public authority correctly applied section 14 of the Act to the refused requests but, in failing to provide the complainant with a refusal notice which stated the fact that the first two requests were refused under section 14 of the Act, within the time for compliance with section 1 of the Act, the public authority breached section 17(5) of the Act. Information Tribunal appeal number EA/2011/0060 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50304283](#)

University of Salford

Case Ref: FS50306518

Date: 07/02/2011

Summary: The complainant submitted a series of seven requests for information between 5 December 2009 and 20 February 2010. The requests were all refused as vexatious under section 14(1) of the Act. The Commissioner finds that the public authority correctly refused the requests under the provisions of section 14 of the Act but the university's response breached section 17(5) and section 17(7)(b) of the Freedom of Information Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50306518](#)

University of Salford

Case Ref: FS50312229

Date: 07/02/2011

Summary: The complainant submitted a series of seven requests for information between 5 December 2009 and 20 February 2010. The requests were all refused as vexatious under section 14(1) of the Act. The Commissioner finds that the public authority correctly refused the requests under the provisions of section 14 of the Act but the university's response breached section 17(5) and section 17(7)(b) of the Freedom of Information Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50312229](#)

University of Salford

Case Ref: FS50312233

Date: 07/02/2011

Summary: The complainant submitted a series of seven requests for information between 5 December 2009 and 20 February 2010. The requests were all refused as vexatious under section 14(1) of the Act. The Commissioner finds that the public authority correctly refused the requests under the provisions of section 14 of the Act but the university's response breached section 17(5) and section 17(7)(b) of the Freedom of Information Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50312233](#)

University of Salford

Case Ref: FS50294660

Date: 07/02/2011

Summary: The complainant made a series of requests for information to the University of Salford, via the 'WhatDoTheyKnow.com' website. These were refused by the university as vexatious, under the provisions of section 14(1) of the Freedom of Information Act. The Commissioner has examined the public authority's reasons for refusing the requests and finds that the public authority incorrectly applied section 14(1) to the requests. He requires the public authority to respond to the requests in accordance with the provisions of section 1 of the Act, within 35 calendar days. Information Tribunal appeal EA/2011/0062 withdrawn.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld

University of Salford

Case Ref: FS50297312

Date: 07/02/2011

Summary: Between 4 November and 2 December 2009 the complainant submitted 13 requests for information to the University of Salford. The requests were initially refused under section 12 of the Act, on the basis that the costs of complying with the request would exceed the appropriate limit. At internal review, the reason for refusal of the requests was changed to apply section 14 of the Act, refusing the requests as vexatious in common with a number of other requests submitted by various parties at around the same time. The Commissioner finds that the public authority correctly refused the requests under section 14(1) of the Act and requires no action to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50297312](#)

Winsley Parish Council

Case Ref: FS50279127

Date: 07/02/2011

Summary: The complainant requested information on the council's public response to negotiations with a local charity over the lease of a playing field. The council initially stated that the request was vexatious, however on review it stated that it did not hold any information because one of the councillors on the working group had not provided it to the reviewer. The Councillor concerned stated that his letters were private correspondence and he was not prepared to provide it to the council. The Commissioner's decision is that the letters were private correspondence and so the council did not hold the information. The complainant also asked a number of questions regarding the council's actions in respect of the hospice. The Commissioner's decision is that the council did hold recorded information which would allow it to respond to one of those questions, and he finds that that should be disclosed. However he has also been satisfied by the council's argument that no other information was held regarding the remainder of the questions, and therefore he finds that Regulation 12(4)(a) applies.

Section of Act/EIR & Finding: EIR 5 - Complaint Upheld, EIR 12.4.a - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50279127](#)

University of Salford

Case Ref: FS50288812

Date: 07/02/2011

Summary: The complainant made a series of requests for information to the University of Salford, via the 'WhatDoTheyKnow.com' website. These were refused by the university as vexatious, under the provisions of section 14(1) of the Freedom of Information Act. The Commissioner has examined the public authority's reasons for refusing the requests and finds that the public authority incorrectly applied section 14(1) to the requests. He requires the public authority to respond to the requests in accordance with the provisions of section 1 of the Act, within 35 calendar days.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50288812](#)

University of Salford

Case Ref: FS50294656

Date: 07/02/2011

Summary: The complainant made a series of requests for information to the University of Salford, via the 'WhatDoTheyKnow.com' website. These were refused by the university as vexatious, under the provisions of section 14(1) of the Freedom of Information Act. The Commissioner has examined the public authority's reasons for refusing the requests and finds that the public authority incorrectly applied section 14(1) to the requests. He requires the public authority to respond to the requests in accordance with the provisions of section 1 of the Act, within 35 calendar days. Information Tribunal appeal EA/2011/0062 withdrawn.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50294656](#)

University of Salford

Case Ref: FS50294659

Date: 07/02/2011

Summary: The complainant made a series of requests for information to the University of Salford, via the 'WhatDoTheyKnow.com' website. These were refused by the university as vexatious, under the provisions of section 14(1) of the Freedom of Information Act. The Commissioner has examined the public authority's reasons for refusing the requests and finds that the public authority incorrectly applied section 14(1) to the requests. He requires the public authority to respond to the requests in accordance with the provisions of section 1 of the Act, within 35 calendar days. Information Tribunal appeal EA/2011/0062 withdrawn.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 -

University of Salford

Case Ref: FS50312234

Date: 07/02/2011

Summary: The complainant submitted a series of seven requests for information between 5 December 2009 and 20 February 2010. The requests were all refused as vexatious under section 14(1) of the Act. The Commissioner finds that the public authority correctly refused the requests under the provisions of section 14 of the Act but the university's response breached section 17(5) and section 17(7)(b) of the Freedom of Information Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50312234](#)

University of Salford

Case Ref: FS50312235

Date: 07/02/2011

Summary: The complainant submitted a series of seven requests for information between 5 December 2009 and 20 February 2010. The requests were all refused as vexatious under section 14(1) of the Act. The Commissioner finds that the public authority correctly refused the requests under the provisions of section 14 of the Act but the university's response breached section 17(5) and section 17(7)(b) of the Freedom of Information Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50312235](#)

University of Salford

Case Ref: FS50312240

Date: 07/02/2011

Summary: The complainant submitted a series of seven requests for information between 5 December 2009 and 20 February 2010. The requests were all refused as vexatious under section 14(1) of the Act. The Commissioner finds that the public authority correctly refused the requests under the provisions of section 14 of the Act but the university's response breached section 17(5) and section 17(7)(b) of the Freedom of Information Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50312240](#)

University of Salford

Case Ref: FS50312236

Date: 07/02/2011

Summary: The complainant submitted a series of seven requests for information between 5 December 2009 and 20 February 2010. The requests were all refused as vexatious under section 14(1) of the Act. The Commissioner finds that the public authority correctly refused the requests under the provisions of section 14 of the Act but the university's response breached section 17(5) and section 17(7)(b) of the Freedom of Information Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50312236](#)

Treasury Solicitors

Case Ref: FS50313398

Date: 31/01/2011

Summary: The complainant requested information relating to a subject access request submitted to the Treasury Solicitor's Office (TSol) which was not deemed to be his personal data. TSol responded citing a refusal under section 14(1) of the Act (vexatious request). The Commissioner has investigated and concluded that the public authority was entitled to refuse the request under section 14(1).

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50313398](#)

Metropolitan Police Service

Case Ref: FS50308081

Date: 24/01/2011

Summary: The complainant requested guidance relating to the integrity testing of police staff. The Metropolitan Police Service issued a refusal notice and cited section 14(1) (vexatious) in respect of the request. In this case, having considered the context and history of the request, the Commissioner considers that there are sufficient grounds to uphold the application of section 14(1).

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50308081](#)

Treasury Solicitors

Case Ref: FS50277340

Date: 24/01/2011

Summary: The complainant made a request to the Treasury Solicitor's Department (TSol) for information to complement and complete information requested under the Data Protection Act. In respect of one part of the request, TSol disclosed some information but withheld the balance citing the exemption in section 42(1) (legal professional privilege). TSol applied section 14(1) to the remainder of the request. The Commissioner has decided that TSol was correct to do so, but finds that it failed to comply with the procedural requirements of sections 1(1)(a) and 17(1) in its handling of the request.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld, FOI 42 - Complaint Not upheld

[View a PDF of decision notice FS50277340](#)

Yaxley Parish Council

Case Ref: FS50299059

Date: 20/01/2011

Summary: The complainant made a request for information to Yaxley Parish Council ("the Council") on 9 February 2010. The Council refused to comply with the request on the grounds that it considered it to be vexatious under section 14 of the Freedom of Information Act 2000 ("the Act"). The Commissioner investigated and found that requested information was environmental and should have been considered under the Environmental Information Regulations 2004 (EIR), and as such the correct exception should have been 12(4)(b). The Commissioner finds that the Council did not provide sufficient evidence for 12(4)(b) to be engaged.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50299059](#)

Buckinghamshire New University

Case Ref: FS50313603

Date: 19/01/2011

Summary: The complainant made a number of requests to the public authority through his website. Four requests were referred to the Commissioner and have been considered in this case. The public authority applied section 12(1) [the costs limits] to these four requests. It explained that it believed that the requests could be aggregated with four other requests the complainant had made and that the work needed to respond to all eight requests would exceed

the costs limit of £450. The complainant complained to the Commissioner. The Commissioner has determined that the four requests can only be aggregated with two others. However, he has found that the work that would be required to answer those six requests would exceed the costs limit and the exclusion found in section 12(1) has therefore been applied appropriately by the public authority. He has found that there was a procedural breach of section 16(1). This is because the public authority failed to offer reasonable advice and assistance about how to narrow the requests down at the time of its refusal notice. He does not require any remedial steps to be taken in this case. Information Tribunal appeal EA/2011/0016 allowed.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld, FOI 16 - Complaint Upheld

[View a PDF of decision notice FS50313603](#)

Attorney Generals Office

Case Ref: FS50350791

Date: 11/01/2011

Summary: The complainant made a request for information to the public authority consisting of 10 separate elements. The complainant's complaint to the Commissioner has focused only on part 10 of the request. The Commissioner finds that the public authority breached section 17(1) of the Act by failing to handle part 10 as a request under FOI and not citing a relevant exemption in a timely manner. The Commissioner finds that section 40(5) of the Act should have been applied to part 10. The information requested, if held, would be the personal data of the complainant and as such the public authority is under no obligation to confirm or deny under the FOI Act whether it holds the relevant information.

Section of Act/EIR & Finding: FOI 17 - Complaint Upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50350791](#)

Heart of England NHS Foundation Trust

Case Ref: FS50326622

Date: 11/01/2011

Summary: The complainant made a request to the Heart of England NHS Foundation Trust (the 'Trust') for the full names and registration numbers of the nurses who were working on a specific ward during the hospitalisation of her mother up until she passed away. Owing to its context and history, the Trust refused to comply with the request on the grounds that it was vexatious for the purposes of section 14(1) of the Freedom of Information Act 2000. The Commissioner has investigated and, although conscious of the sensitivity attached to the history of the request, he has found that the Trust was entitled to rely on section 14(1) and has therefore not upheld the complaint.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50326622](#)

Natural England

Case Ref: FER0308249

Date: 10/01/2011

Summary: The complainant submitted a request for information asking for the invoices that resulted in five pieces of expenditure. Natural England responded and cited regulation 12(4)(b) – manifestly unreasonable. The Commissioner has carefully considered this case and has been satisfied that Natural England has applied regulation 12(4)(b) correctly and that in this case the public interest in maintaining the exception outweighs the public interest in disclosing the information. He therefore finds in favour of Natural England.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FER0308249](#)

Lancashire Constabulary

Case Ref: FS50311574

Date: 06/01/2011

Summary: The complainant requested information about the duties and whereabouts of Lancashire Constabulary's Chief Legal Advisor during specific days in May 2009. This request was initially made using a pseudonym. The complainant repeated the request in his own name and at that time he also requested the Advisor's remuneration and salary and the Constabulary's legal department budget over the past five years. The Constabulary's applied section 14(1) (vexatious request) to that part of the request which had previously been made under a pseudonym, and this was the basis of the complainant's appeal to the Commissioner. The Commissioner has considered the case carefully and upholds the Constabulary's application of section 14(1). Information Tribunal appeal EA/2011/0015 allowed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50311574](#)

Torbay NHS Care Trust

Case Ref: FS50301024

Date: 05/01/2011

Summary: The complainant requested information about Torbay NHS Care Trust (the Trust) panel meetings. The Trust disclosed part of the information and relied on section 14 and section 38(1)(a) to withhold the remainder of the information. The Commissioner finds that the Trust was correct to rely on section 14 and has therefore not gone on to consider the application of section

38. The Commissioner does not require the Trust to take any further steps.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50301024](#)

Aberdare Girls School

Case Ref: FS50259667

Date: 20/12/2010

Summary: The complainant requested information regarding the legal costs and legal advice given to the Governing Body in relation to a Judicial Review it had defended concerning the exclusion of a pupil for refusing to remove a religious bangle. The Governing Body refused the request citing sections 12, 14, 21, 31, 32, 41, and 42 of the Act. The Commissioner has investigated the complaint and finds that some of the requested information is not held and that some of the information is exempt under section 42 of the Act. However, the Commissioner also finds that sections 12, 14, 21, 31, 32 and 41 are not engaged and orders the Governing Body to take appropriate steps. The Commissioner also recorded a significant number of procedural breaches of the Act and was particularly concerned with the Governing Body's lack of co-operation with his investigation. Information Tribunal appeal number EA/2010/0102 dismissed.

Section of Act/EIR & Finding: FOI 1 - Complaint Partly Upheld, FOI 10 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 42 - Complaint Partly Upheld

[View a PDF of decision notice FS50259667](#)

Department for Education

Case Ref: FS50260412

Date: 20/12/2010

Summary: The complainant requested a copy of Phorm's application to join the UK Council for Child Internet Safety from the Department for Children, Schools and Families. The public authority refused to provide the requested information as it considered the information to be exempt under section 43(2) of the Freedom of Information Act 2000 and that the public interest in maintaining the exemption outweighed the public interest in disclosure. During the investigation, the public authority argued that it may not hold the requested information. Further, it suggested that the request was vexatious under section 14(1) and that section 41 applied to the information. The Commissioner has investigated and has concluded that the requested information is held by the public authority for the purposes of the Act. He refused to consider the applicability of sections 14(1) and 41 as these were cited at a late stage in the investigation. The Commissioner has found that some information was properly withheld however that section 43(2) doesn't apply to the remaining information. The Commissioner requires this information to be disclosed. In

addition, the Commissioner has noted some procedural breaches of the Act.
Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 43 - Complaint Partly Upheld
[View a PDF of decision notice FS50260412](#)

Department for Education

Case Ref: FS50285730

Date: 16/12/2010

Summary: The complainant requested information relating to a study carried out into elective home education known as 'The Badman Report'. The public authority refused to disclose the requested information relying upon section 14(1) of the Freedom of Information Act 2000. The Commissioner considers that the public authority applied section 14 appropriately. However he finds that the public authority has breached section 17(5) of the Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50285730](#)

Norfolk Constabulary

Case Ref: FS50355291

Date: 16/12/2010

Summary: The complainant asked Norfolk Constabulary (the "public authority") to provide information relating to complaints about vehicles in a specific location. He had previously made a similar request for an identified vehicle but made this separate request without reference to the vehicle registration mark. Having previously refused to confirm or deny whether it held the information falling within the scope of the request, citing the exemption provided by section 40(5)(b)(i) of the Freedom of Information Act 2000 (the "Act"), the public authority claimed that this was a repeat request and withheld the information under section 14(2) of the Act. The Commissioner finds that, despite being worded differently, the request was essentially for the same information and that the public authority was therefore correct to cite section 14(2). The complaint is not upheld.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50355291](#)

Natural England

Case Ref: FER0267363

Date: 16/12/2010

Summary: The complainant submitted a request for information relating to bird licensing. The public authority responded and cited regulation 12(4)(b) –

manifestly unreasonable. The request was made up of various quotes and questions about the quotes. The Commissioner is satisfied that the public authority has applied regulation 12(4)(b) correctly and that in this case the public interest in maintaining the exception outweighs the public interest in disclosing the information. However, the Commissioner found that the public authority had breached regulations 14(2) and 14(3)(b).

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0267363](#)

Nottingham City Homes Ltd

Case Ref: FS50278216

Date: 16/12/2010

Summary: The complainant asked Nottingham City Homes Limited ('NCH') to provide information about council tenancies in his immediate neighbourhood. NCH refused his request on the grounds that it believed the request to be vexatious and applied section 14(1) of the Freedom of Information Act 2000 (the 'Act'). The Commissioner has considered the context and background leading up to this request and has decided that NCH was correct to refuse the request on the basis that it was vexatious under section 14(1) of the Act. The Commissioner also finds that the public authority breached section 17(1) of the Act in that it failed to provide a refusal notice to part of the request within 20 working days. Information Tribunal appeal EA/2011/0054 allowed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50278216](#)

Warwick District Council

Case Ref: FS50281379

Date: 16/12/2010

Summary: The complainant made a request to Warwick District Council ("the Council") for all emails exchanged between two named employees in a specified period of 21 months. The Council refused the request on the grounds that it was vexatious and applied section 14(1) of the Act. The Commissioner, on balance, considers that the Council was entitled to refuse the request under section 14(1). However, the Commissioner also found that the Council breached section 17(5) of the Act because it failed to inform the complainant that it was relying upon section 14(1) within 20 working days of receiving the request.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50281379](#)

Commission for Local Administration in England

Case Ref: FS50296060

Date: 14/12/2010

Summary: The complainant requested a list of employees at the York office of the Local Government Ombudsman. This was refused under section 14(1) of the Act, on the grounds that the request was vexatious. The Commissioner has assessed the public authority's arguments for considering the request to be vexatious and his decision is that the public authority correctly refused the request under section 14(1) of the Act.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50296060](#)

Cabinet Office

Case Ref: FS50230308

Date: 13/12/2010

Summary: The complainant previously requested information from the Cabinet Office about records of meetings and telephone calls between the then Prime Minister Tony Blair and Rupert Murdoch. The Commissioner issued a Decision Notice requiring the disclosure of the majority of the information. The complainant then complained that further information must be held. The Cabinet Office stated that all information had been provided that it was required to provide. The complainant then made a further request for any information which had been generated as a consequence of his first request. The Cabinet Office responded stating that the request was vexatious under section 14 of the Act. The Commissioner's decision is that the request was not vexatious and that the Cabinet Office was not able to apply section 14 to the request. The Commissioner also notes that the information which was requested may include personal data relating to the complainant. The Cabinet Office should have considered this information for disclosure under section 7 of the Data Protection Act 1998. The Commissioner has therefore decided to carry out a separate data protection assessment relating to this.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50230308](#)

Cheshire East Council

Case Ref: FER0319300

Date: 09/12/2010

Summary: The complainant submitted a request to Cheshire East Council ('the Council') to inspect the Local Land Charge Register ('the Register'). The complainant specified that he wished to view the records in person. The

Council initially agreed to provide the information requested but only on the provision of a set fee. During the course of the investigation, the Council applied the exception at regulation 12(4)(b) to the requested information. The Commissioner's decision is that the Council applied this exception correctly. However, the Commissioner finds that the Council has breached regulation 14(2) by failing to provide the complainant with a refusal notice within the statutory time for compliance, regulation 14(3)(a) by failing to cite the specific exception it relied upon in refusing a request, and regulation 14(3)(b) by failing to inform the complainant of any public interest considerations it took into account in applying the exception. It has also breached regulation 9(1) because it did not offer the complainant advice and assistance in accordance with the Code of Practice. The Commissioner requires the Council to offer advice and assistance to the complainant by informing him how he might narrow his request to information so that it would no longer be manifestly unreasonable. The public authority must take the steps required by this notice within 35 calendar days of the date of this notice.

Section of Act/EIR & Finding: EIR 9 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0319300](#)

Financial Services Authority

Case Ref: FS50300018

Date: 06/12/2010

Summary: The complainant made a freedom of information request to the Financial Services Authority for information in relation to an investigation which he believed it had undertaken. The public authority refused the request under section 14(1) and section 14(2) of the Act on the grounds that it was both vexatious and repeated. The Commissioner has made no decision on the public authority's application of sections 14(1) or 14(2) but has instead found that the information falling within the scope of the request comprised the complainant's own personal data and therefore was exempt from disclosure under section 40(1) of the Act. Information Tribunal appeal EA/2010/0203 struck out.

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50300018](#)

Leeds City Council

Case Ref: FS50298572

Date: 02/12/2010

Summary: The complainant requested the 'Working file' that contained the original records of the Leeds City Council AGM held on 19 May 2003. The public authority responded that it would provide the public records of the meeting to

the complainant, but would not provide the remainder of the 'Working file' because it believed that: The request for information was not valid; and If it was, it was vexatious. It could therefore rely on the exclusion found in section 14(1) of the Act. The complainant referred this case to the Commissioner, who found: That the requests for information dated 22 October 2009 and 26 October 2009 were valid as they complied with the requirements of section 8(1); and That on the facts of the case a reasonable public authority could not find the requests vexatious by virtue of section 14(1). He requires that the public authority processes the requests again under the Act, without relying on the above arguments. He has also found procedural breaches of section 1(1)(a), 10(1) and section 17(5).

Section of Act / EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50298572](#)

Blackpool Fylde and Wyre Hospitals NHS Trust

Case Ref: FS50282588

Date: 30/11/2010

Summary: The complainant made a request on 1 November 2009 to Blackpool, Fylde and Wyre Trust for the protocol for the management of upper GI laparoscopic procedures which was implemented as a result of an investigation by the Healthcare Commission into the death of his mother. The Trust had previously applied section 14(1) to a similar request from the complainant and therefore did not issue a refusal notice in relation to this request. The Trust informed the complainant that it would not enter into any further correspondence with him in relation to his complaint due to the Vexatious Complaint Status communicated to him in October 2008. The complainant had previously submitted the same request to the Trust in August and September of 2008, to which the Trust had responded. The complainant complained to the Commissioner about his 1 November request in December 2009. In reaching a decision in respect of this complaint, the Commissioner has also taken account of the reasoning and analysis of the same history and context he considered in a previous similar complaint from the complainant (reference FS50234985) in which he upheld the Trust's decision to apply section 14(1) to that request. The Commissioner has found that section 14(1) does also apply in this case and has therefore not upheld the complaint. Information Tribunal appeal number EA/2010/0202 has been disposed of by way of a consent order.

Section of Act / EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50282588](#)

Haringey London Borough Council

Case Ref: FS50287970

Date: 30/11/2010

Summary: On 7 September 2009 the complainant made an information request to Haringey Council (the 'council') for information regarding properties to let which he had unsuccessfully applied for. The council provided a partial response on 14 October 2009 and in an internal review refused the request as being vexatious under section 14(1) of the Freedom of Information Act 2000 (the 'Act'). During the course of the investigation, the Commissioner informed the council of his preliminary view that the request was not vexatious. The council then applied section 12(1) of the Act to the request. The Commissioner finds that the council was not entitled to apply section 14(1) to the request but was correct to apply section 12(1). He requires that the council should now provide advice and assistance to the complainant to clarify what information could be provided under the Act within the cost limits. The Commissioner also finds a number of procedural breaches. Information Tribunal appeal EA/2010/0205 allowed.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 12 - Complaint Not upheld, FOI 14 - Complaint Upheld, FOI 16 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50287970](#)

Dr Lionel N Cartwright

Case Ref: FS50309685

Date: 29/11/2010

Summary: On 18 February 2010 the complainant requested that her doctor's practice should provide her with a copy of the second component of its application for 'paper light' status (regarding the keeping and transferring of electronic NHS records). For the purposes of the Act the individual doctors within the practice are considered to be the public authorities. This Notice is therefore addressed to the senior partner in the practice, as the relevant public authority. This was the latest request in a series of requests and correspondence which had started in 2000 and was concerned with the information held on the complainant's medical records and the right of the practice to keep electronic records. This current request has been refused as vexatious under section 14(1) of the Act. The Commissioner is satisfied that the public authority was correct to refuse the request; however the Commissioner has found several procedural breaches. Information Tribunal appeal number EA/2010/0194 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50309685](#)

Harrogate Borough Council

Case Ref: FER0347682

Date: 22/11/2010

Summary: The complainant submitted a request to Harrogate Borough Council ('the Council') for information from environmental records held on a property in Wetherby. The complainant specified that he wished to view the records in person. The Council has breached regulation 5(1) as it failed to make the information available on request, and regulation 5(2) as it failed to make it available within 20 working days following receipt of the request. The Council has also breached regulation 6(1) by failing to comply with the complainant's request to make the information available in a particular format. The Commissioner finds that the Council has correctly applied the exception at regulation 12(4)(b) to information relevant to CON29R queries 1.1(f)-(h). However, in relation to this information the Council has breached regulation 14(3)(a) by failing to state the exception it relied upon in its refusal notice. It has also breached regulation 14(3)(b) by failing to conduct a public interest test in relation to this exception. The Commissioner requires the Council to allow the complainant to inspect the remaining requested information free of charge. These steps must be taken within 35 calendar days.

Section of Act/EIR & Finding: EIR 5 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 6 - Complaint Upheld, EIR 12.4.b - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0347682](#)

Metropolitan Police Service

Case Ref: FS50303146

Date: 22/11/2010

Summary: The complainant requested information about the diary system for subject access requests of the Metropolitan Police Service (MPS). This followed an earlier subject access request to the MPS. The MPS responded citing a refusal under section 14(1) of the Act (vexatious request). The Commissioner, on balance, considers that the MPS was entitled to refuse the request under section 14(1). However, the Commissioner also found that, by failing to inform the complainant that it was relying on section 14(1) within 20 working days of receiving the request, it breached section 17(5) of the Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50303146](#)

BBC

Case Ref: FS50356476

Date: 17/11/2010

Summary: The complainant requested a considerable amount of information about the BBC's Panorama programme. The Commissioner has previously issued a number of Decision Notices in relation to complaints he has received.

A number of further complaints were originally closed informally. However the complainant has subsequently indicated that he requires a decision in relation to those complaints. Therefore, this Decision Notice will address the complaints regarding information requests in respect of which no previous Decision Notice has been issued. This excludes those complaints that have been expressly withdrawn by the complainant. The Commissioner has carefully considered this case. His decision is that the BBC correctly determined that, if it existed, all recorded information relevant to the requests that are the subject of this Decision Notice would be held genuinely for the purposes of journalism. Therefore the BBC was not obliged to comply with Parts I to V of the Act in relation to those requests.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld, FOI 16 - Complaint Not upheld

[View a PDF of decision notice FS50356476](#)

Conwy County Borough Council

Case Ref: FS50326126

Date: 17/11/2010

Summary: The complainant requested a copy of the Council's policy that stated it should undertake a particular course of action that he alleged it had taken. The complainant also asked that, if no such policy existed, he be provided with copies of the minutes of any meetings at which that particular alleged course of action was decided upon. The Council initially stated that it did not hold the requested information but subsequently stated that it considered the request to be vexatious. The Commissioner has concluded that the request was vexatious and requires no steps to be taken by the Council.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50326126](#)

Winsley Parish Council

Case Ref: FS50295060

Date: 08/11/2010

Summary: The complainant requested any information held n the council's negotiations with a local charity over the lease of a playing field. He also specifically asked for copies of letters issued by a councillor on the working group negotiating on behalf of the council. The council stated that it did not hold any information. It also stated that the councillor's letters were his own private correspondence and therefore not available to the council or to the complainant under the Act. The Commissioner's decision is that the letters were private correspondence and that that council did not hold the information and therefore regulation 12(4)(a) applied. However the council does hold some information which the Commissioner considers is relevant to the request, and his decision is therefore that this should be considered for disclosure to the

complainant. The Commissioner therefore considers that the council also breached regulation 5(1) in not informing the complainant that it held the information and Regulation 14(3) in not providing the complainant with a valid exception for withholding this information. Information Tribunal appeal EA/2010/0192 withdrawn.

Section of Act/EIR & Finding: EIR 5 - Complaint Upheld, EIR 12.4.a - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50295060](#)

Insolvency Service

Case Ref: FS50306885

Date: 08/11/2010

Summary: The complainant made a request to the Insolvency Service (the 'Service') for information relating to bankruptcies. Owing to the context and history of the request, the Service determined that it should be deemed vexatious for the purposes of section 14(1) of the Freedom of Information Act 2000. The Commissioner has investigated and has found that the Service was entitled to rely on section 14(1). The Service is therefore not required to take any steps in this matter.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50306885](#)

Portsmouth City Council

Case Ref: FER0325144

Date: 04/11/2010

Summary: The complainant submitted a request to Portsmouth City Council ('the Council') for information from environmental records held on a property in Portsmouth. The Council stated that it would only provide a collated version of this information upon provision of a fee. During the course of the investigation, the Council also informed the Commissioner that it relied on the exception at regulation 12(4)(b), which applies to manifestly unreasonable requests. The Commissioner's decision is that Council failed to comply with regulation 5(1) of the EIR as it failed to make information available on request and regulation 5(2) as it failed to make it available within the statutory time for compliance. The Council has also breached regulation 6(1) by failing to comply with the complainant's request to make the information, in relation to CON29R enquiries, available in a particular format. It has breached regulation 6(2)(a) by failing to inform the complainant that it would not make the requested information available in the requested format, and regulation 6(2)(c) by failing to inform the complainant of the enforcement and appeal provisions of the EIR. The Commissioner finds that the Council applied the exception at regulation 12(4)(b) incorrectly. The Council has breached regulation 14(3)(a) by failing to cite the exception it relied upon in its response

to the complainant, and regulation 14(3)(b) by failing to inform the complainant of the details of its public interest test in relation to the exception. The Council also breached regulation 14(5)(a) by failing to inform the complainant of his right to request an internal review under regulation 11, and regulation 14(5)(b) by failing to inform the applicant of the enforcement and appeal provisions applied by regulation 18. The Commissioner requires the Council to make the requested information available for the complainant to inspect within 35 days of this notice.

Section of Act / EIR & Finding: EIR 5 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 6 - Complaint Upheld, EIR 6 - Complaint Upheld, EIR 6 - Complaint Upheld, EIR 12.4.b - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0325144](#)

Ministry of Justice

Case Ref: FS50277357 and FS50277366

Date: 21/10/2010

Summary: The complainant's legal representatives made various information requests on three separate dates stemming from a long running issue between the complainant and the public authority. The public authority refused these requests under section 14(1) of the Act on the grounds that they were vexatious. The conclusion of the Commissioner is that the public authority accurately characterised these requests as vexatious and so section 14(1) provided that the public authority was not obliged to comply with these requests.

Section of Act / EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50277357 and FS50277366](#)

Wendover Parish Council

Case Ref: FS50279639

Date: 19/10/2010

Summary: The complainant requested various items of information from Wendover Parish Council ("the Council") concerning a market held on an area of land known as "the Manor Waste". The Information Commissioner ("the Commissioner") has numbered these requests from 1 to 4. Although the Council originally chose to respond to the requests, it subsequently advised the Commissioner that it had decided to refuse the requests on the basis that they were vexatious under section 14(1) of the Freedom of Information Act 2000 ("the FOIA"). The Commissioner decided that the requests should have been handled under the terms of the Environmental Information Regulations 2004 ("the EIR") and he therefore considered whether regulation 12(4)(b) was engaged. Ultimately, the Commissioner did not consider that the Council

presented sufficient arguments in support of its claim that the requests were manifestly unreasonable. He therefore requires the Council to respond to the requests under the EIR. The Commissioner found breaches of regulation 14(2), 14(3) and 14(5).

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50279639](#)

Wiltshire Police

Case Ref: FS50278379

Date: 18/10/2010

Summary: The complainant made an information request in several parts. The Commissioner investigated his request for an expert witness report which had been provided to Wiltshire Police on the effects in humans of Pyrexal, a lethal substance. The request repeated a substantially similar request by the complainant in 2005 and which had been refused by the Police in 2009 on the grounds that it was a repeat request. The Commissioner decided that the Police had satisfied section 17(5) of the Act. The complainant had been made aware of his appeal routes in 2005 but had not made use of them prior to repeating his request in 2009. The content of the information had not changed in the interim but there had been material developments in the meantime such that a reasonable interval of time had elapsed. The Commissioner therefore decided that the Police did not deal with the request in accordance with the requirements of section 1(1) of the Act, in that they inappropriately applied section 14(2) to justify non-compliance. He required the Police either to provide the information requested or issue a valid refusal notice, with reasons for refusal, including an analysis of the balance of the public interest, as matters stood at the time of the second request on October 2009.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 17 - Complaint Not upheld

[View a PDF of decision notice FS50278379](#)

Northumbria Police

Case Ref: FS50274648

Date: 14/10/2010

Summary: The complainant asked Northumbria Police ("the public authority") to provide information relating to the cost of a police operation. As the subject matter was deemed to be the same as a number of previous requests, the public authority refused using the exclusion under section 14(1) of the Freedom of Information Act 2000 ("the FOIA"). Having considered this request, alongside further requests and complaints made by the complainant, the Commissioner has decided that the public authority was correct to refuse the request on the basis that it was vexatious. However, it was in breach of its

procedural obligations under the Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50274648](#)

Northumbria Police

Case Ref: FS50308744

Date: 14/10/2010

Summary: The complainant asked Northumbria Police ("the public authority") to provide information about the relationship between the police and the RSPB. As the subject matter was deemed to be the same as a number of previous requests, the public authority refused using the exclusion under section 14(1). Having considered this request, alongside other requests and complaints made by the complainant, the Commissioner has decided that the public authority was correct to refuse the request on the basis that it was vexatious under section 14(1) of the Freedom of Information Act 2000 ("the FOIA").

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Not upheld

[View a PDF of decision notice FS50308744](#)

Northumbria Police

Case Ref: FS50308738

Date: 14/10/2010

Summary: The complainant asked Northumbria Police ("the public authority") to provide information about the relationship between the police and the RSPB. As the subject matter was deemed to be the same as a number of previous requests, the public authority refused using the exclusion under section 14(1). Having considered this request, alongside further requests and complaints made by the complainant, the Commissioner has decided that the public authority was correct to refuse the request on the basis that it was vexatious under section 14(1) of the Freedom of Information Act 2000 ("the FOIA").

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Not upheld

[View a PDF of decision notice FS50308738](#)

Metropolitan Police Service

Case Ref: FS50292575

Date: 04/10/2010

Summary: The complainant requested details of the effort undertaken to establish the existence or otherwise of a report. This followed an earlier request to the Metropolitan Police Service (MPS) for the report itself to which

the MPS had responded that it did not hold it. The MPS responded citing a refusal under section 14(1) of the Act (vexatious request). The Commissioner, on balance, considers that the public authority was entitled to refuse the request under section 14(1).

Section of Act / EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50292575](#)

Environment Agency

Case Ref: FER0253026

Date: 30/09/2010

Summary: The complainant made a multipart request to the Environment Agency relating to its monitoring of the River Test in Hampshire after a pollution incident in 2008. The Environment Agency initially informed the complainant that the request was likely to be considered manifestly unreasonable and asked him to narrow his request. The complainant did narrow his request, however the Environment Agency subsequently claimed that the request was still manifestly unreasonable under Regulation 12(4)(b) as it would take in excess of 60 hours for it to respond. The Commissioner has considered the request. His decision is that the request was not manifestly unreasonable given that the Environment Agency did not provide adequate proof that its estimate for complying with the request was reasonable. He has ordered that the Environment Agency either provide the complainant with the requested information in accordance with regulation 5(1) or issue a further refusal notice as required by regulation 14(1).

Section of Act / EIR & Finding: EIR 12.4.b - Complaint Upheld

[View a PDF of decision notice FER0253026](#)

Department for Environment Food and Rural Affairs

Case Ref: FER0275153

Date: 30/09/2010

Summary: The complainant submitted a request for information relating to birds DNA which was made up of various questions. The public authority declined to disclose the information, citing section 14 of the Freedom of Information Act 2000 (the Act). Subsequently the public authority considered the request under the Environmental Information Regulations 2004 and cited regulation 12(4)(b). The Commissioner is satisfied that the public authority has applied regulation 12(4)(b) appropriately. He is also satisfied that the public interest in maintaining this exception outweighs the public interest in disclosing the information. However he identified procedural shortcomings in the way in which the public authority handled the request for information. Information

Tribunal appeal EA/2010/0180 struck out.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0275153](#)

Queen Mary University of London

Case Ref: FS50310073

Date: 28/09/2010

Summary: The complainant made a request for information to Queen Mary, University of London ("the public authority") on 18 March 2010 for the number of students that were paid to delay accepting their place over three years. The public authority did not respond to his request because it believed the request to be vexatious and applied section 17(6) on the grounds that it had applied section 14(1) to a request made previously on 19 January 2010. The Commissioner has considered the background leading up to this request and has decided that the public authority correctly applied section 14(1) to the request for information. However, he also found that the public authority incorrectly applied 17(6) to this request within the context of the previous section 14(1) notice that had been considered by the Commissioner under reference FS50296057. As a result the Commissioner has found the public authority to be in breach of section 17(5). Information Tribunal appeal EA/2010/0177 withdrawn.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50310073](#)

Queen Mary University of London

Case Ref: FS50306071

Date: 28/09/2010

Summary: The complainant made a request for information to Queen Mary, University of London ("QMUL") on 25 January 2010 for the date QMUL validated its admissions policy with regard to applicants with disabilities, learning difficulties and chronic medical conditions. QMUL did not respond to his request because it believed the request to be vexatious and applied section 17(6) of the Freedom of Information Act 2000 (the "Act") on the grounds that it had applied section 14(1) to a request made previously on 19 January 2010. The Commissioner has considered the background leading up to this request and has decided that QMUL correctly applied section 14(1) to the request for information. However, he also found that QMUL incorrectly applied 17(6) to this request within the context of the previous section 14(1) notice that had been considered by the Commissioner under reference FS50296057. As a result the Commissioner has found QMUL to be in breach of section 17(5). Information Tribunal appeal EA/2010/0176 withdrawn.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50306071](#)

Bradford Metropolitan District Council

Case Ref: FS50279372

Date: 23/09/2010

Summary: The complainant requested all recorded information held about why parking permits were previously sent to the wrong entity in respect to a given development. The public authority explained that in its view, it was not required to answer this request because it was excluded from doing so by the operation of section 14(1) [the request was vexatious]. It rejected the opportunity to conduct an internal review, although it did provide more reasons for its position. The complainant referred this case to the Commissioner. After carefully considering this request in its context, the Commissioner has found that a reasonable public authority would be entitled to find this request vexatious and rely on the exclusion found in section 14(1). He does not uphold this complaint. He requires no remedial steps to be taken.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50279372](#)

Queen Mary University of London

Case Ref: FS50296057

Date: 23/09/2010

Summary: The complainant made a request for information to Queen Mary, University of London ("QMUL") on 19 January 2010 for certain details regarding the Admissions and Recruitment Committee held in May 2009. QMUL refused his request on the grounds that it believed the request to be vexatious and applied section 14(1) of the Freedom of Information Act 2000 (the "Act"). The Commissioner has considered the context and background leading up to this request and has decided that QMUL correctly applied section 14(1) within that context. Information Tribunal appeal EA/2010/0175 withdrawn.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50296057](#)

Sunderland City Council

Case Ref: FS50281665

Date: 23/09/2010

Summary: The complainant made a series of requests to Sunderland City Council ('the Council') between February 2008 and December 2009 regarding speed camera signage following his conviction for a speeding offence. The

Council declared his request of 17 December 2009 to be vexatious under section 14(1) of the Freedom of Information Act 2000 ('the Act'). The Commissioner has investigated and finds that the public authority correctly applied section 14(1) to the request. Information Tribunal appeal number EA/2010/0168 struck out.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50281665](#)

Department of Health

Case Ref: FS50292323

Date: 20/09/2010

Summary: The complainant referred to a letter written to him by the Department of Health, in which it had referred to "a range of clinical and medical opinion" on the subject under debate. The complainant asked for a copy of this information. The DoH stated that this information was not held. After investigating the case, the Commissioner is satisfied that the information is not held. Information Tribunal appeal EA/2010/0172 allowed.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50292323](#)

Isle of Wight Council

Case Ref: FS50274270

Date: 16/09/2010

Summary: The complainant requested details of any complaints submitted about enforcing officers at the Isle of Wight Council (the "Council") who issue fixed penalty notices. In view of the history and context of the request, the Council believed the request to be vexatious and therefore claimed that section 14(1) of the Freedom of Information Act 2000 applied. The Commissioner has considered the case and is of the view that the issue of vexatiousness is not clear-cut. However, on balance, the Commissioner has decided that section 14(1) was applied correctly. Information Tribunal appeal number EA/2010/0171 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50274270](#)

Stafford Borough Council

Case Ref: FER0281858

Date: 15/09/2010

Summary: The complainant submitted a 14 page letter to the Council attaching 9 separate requests for information relating to a piece of land near to his property used as public open space. The Council responded to the request

citing regulation 12(4)(b) of the EIR and advised the complainant that it considered the request to be manifestly unreasonable. As the complainant remained dissatisfied he approached the Commissioner for the matter to be given formal consideration. The Commissioner investigated the issues raised and concluded that the complainant's request is manifestly unreasonable and that the Council was correct to rely on regulation 12(4)(b) of the EIR. This decision notice is currently under appeal to the Information Tribunal.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FER0281858](#)

Greater Manchester Police

Case Ref: FS50271017

Date: 09/09/2010

Summary: The complainant made five enquiries about the public authority's decision to limit the number of routes of complaint for certain individuals. The public authority responded that it did not hold any relevant recorded information. It maintained its position in its internal review. For four of the enquiries, the Commissioner is content that on the balance of probability no recorded information was held at the date of the request. For the fifth enquiry, relevant recorded information was held at the time of the request. The majority was disclosed during the Commissioner's investigation, and he has determined that the public authority was justified in applying section 12(1) (the costs limit) to the remainder. He therefore requires no remedial steps in this case, but has found that the public authority breached some procedural requirements of the Act.

Section of Act/EIR & Finding: FOI 1 - Complaint Partly Upheld, FOI 10 - Complaint Upheld, FOI 12 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50271017](#)

Lancashire County Council

Case Ref: FS50250070

Date: 06/09/2010

Summary: The complainant requested information about confidentiality policies, information concerning data subjects' providing consent and anything else the public authority thought suitable. The public authority applied section 14(1) to the request. It explained that in its view the request was vexatious. It maintained its position in its internal review. The Commissioner has considered this case carefully and has determined that a reasonable public authority could find the request for information vexatious. He therefore upholds the application of section 14(1) and dismisses the complaint. He also found that the public authority has correctly relied on section 17(6). The Commissioner requires no remedial steps to be taken. Information Tribunal appeal number EA/2010/0166 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Not upheld

[View a PDF of decision notice FS50250070](#)

Kirkby Malzeard Laverton and Dallowgill Parish

Case Ref: FS50294322

Date: 06/09/2010

Summary: The complainant requested a copy of the minutes of the Council's meeting dated 30 November 2009 and a copy of an email referred to by the Chairman during this meeting from 'unnamed person' or their solicitor. The Council provided the complainant with a copy of the minutes but refused to disclose the email requested, as it considered this was subject to legal professional privilege and deemed the request itself to be vexatious. During the Commissioner's investigation the Council changed its view and issued a further refusal notice to the complainant advising her that the requested email is not held for the purposes of the Act by virtue of section 3(2)(a). The Commissioner has investigated and he has determined that the requested information is environmental information and therefore the request should have been dealt with under the EIR. The Commissioner has also decided from the evidence available that the requested information is held by the Chairman of the Council on behalf of the Council for its own purposes in accordance with regulation 3(2)(b) of the EIR. He has therefore ordered the Council to either disclose the requested email to the complainant or issue a further refusal notice advising why the requested email cannot be disclosed under the EIR within 35 days of this Notice.

Section of Act/EIR & Finding: EIR 3 - Complaint Upheld

[View a PDF of decision notice FS50294322](#)

Cardiff and Vale University Health Board

Case Ref: FS50287130

Date: 01/09/2010

Summary: The complainant requested copies of two "hospital investigations" into the treatment of a deceased individual. The public authority refused to respond to the request and stated that it was both vexatious and repeated. The Commissioner finds that the request was vexatious and did not therefore go on to consider whether it was repeated. The Commissioner finds that the authority correctly applied the provisions of the Act. Information Tribunal appeal number EA/2010/0156 struck out.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50287130](#)

Cabinet Office

Case Ref: FS50290108

Date: 26/08/2010

Summary: The complainant requested information about how many letters the public authority had sent out where it stated that it was refusing to correspond with their recipient about a specific medal. The public authority applied section 14(1) to the request. It explained that in its view the request was vexatious. It maintained its position in its internal review. The Commissioner has considered this case carefully and has determined that a reasonable public authority could find the request for information vexatious. He therefore upholds the application of section 14(1) and dismisses the complaint. There were some procedural breaches of section 10(1) and 17(5) as a response was not issued to the request within twenty working days of its receipt, but the Commissioner requires no remedial steps to be taken.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50290108](#)

Ministry of Defence

Case Ref: FS50274855

Date: 26/08/2010

Summary: On 11 August 2008 following a lengthy chain of correspondence the complainant requested that the public authority provide copies of all documentation surrounding the medal claims he had put forward relating to his late grandfather in 2004. The public authority responded and over several months the complainant disputed whether the public authority had complied with the request fully. On 19 December 2008 the public authority issued a refusal notice stating the complainant had received all the information held pertaining to his request. The Commissioner has investigated the handling of the request and has found that the public authority has provided all the information it held, thus complying with section 1. However he has found that the public authority breached section 10(1) in not responding within twenty working days. The Commissioner requires no remedial steps to be taken by the public authority. Information Tribunal appeal EA/2010/0170 withdrawn.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld, FOI 10 - Complaint Upheld

[View a PDF of decision notice FS50274855](#)

Devon County Council

Case Ref: FS50252196

Date: 25/08/2010

Summary: The complainant made a request to Devon County Council for a

copy of the Operations Maintenance Manual (OMM) for ISCA College. He stated that he did not mind whether the information was provided via CD or electronic transfer. The public authority refused the request, explaining that it did not hold the information electronically and that complying with his request would cost in excess of the statutory limit of £450. During the course of the Commissioner's investigation, the public authority altered the grounds of its refusal, explaining that it considered the complainant's request vexatious under section 14(1) of the Act. The Commissioner upholds the public authority's decision to refuse the request for information as vexatious under section 14(1) of the Freedom of Information Act 2000. By its failure to provide the complainant with a notice within 20 working days, stating its refusal under section 14 of the Act, the public authority has breached section 17(5) of the Act. The Commissioner requires no action to be taken. Information Tribunal appeal number EA/2010/0152 dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50252196](#)

Shotteswell Parish Council

Case Ref: FS50299777

Date: 24/08/2010

Summary: The complainant requested an inspection of the accounts of Shotteswell Parish Council ("the Council") for the years 2004/2005 and 2005/2006. Following an unsuccessful attempt to arrange a suitable appointment, the Council wrote to the complainant advising him that it believed the request was vexatious. The Commissioner investigated and decided that the request was not vexatious under section 14(1) of the Freedom of Information Act 2000 ("the FOIA"). As the Council also raised issues connected to section 11(1)(b) of the FOIA concerning the practicality of allowing an inspection of the accounts, the Commissioner also considered section 11(1)(b) as part of his investigation. The Commissioner decided that in the particular circumstances of this case, inspection of the accounts would not be reasonably practicable and he therefore requires no steps to be taken. The Commissioner found breaches of 17(5) and 17(7)(a). Information Tribunal appeal number EA/2010/0159 dismissed.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld, FOI 11 - Complaint Not upheld, FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50299777](#)

Metropolitan Police Service

Case Ref: FS50286906

Date: 23/08/2010

Summary: The complainant made separate, related, requests for the cost of

three investigations into a long running murder enquiry. The Metropolitan Police Service (MPS) responded citing a refusal under section 14(1) of the Act (vexatious request). The Commissioner, on balance, considers that the public authority was entitled to refuse the requests under section 14(1). However, he found procedural errors in the MPS's handling of the requests.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50286906](#)

Metropolitan Police Service

Case Ref: FS50288182

Date: 23/08/2010

Summary: The complainant requested a copy of a report compiled by a senior Metropolitan Police Service officer about its "deep undercover unit". The Metropolitan Police Service (MPS) told the complainant that it did not hold the report. During the course of the Commissioner's investigation, the MPS cited section 14(1) (vexatious) in respect of the request. In this case, having considered the context and history of the request, the Commissioner considers that there are sufficient grounds to uphold the application of section 14(1). However, he found procedural errors in the MPS's handling of the request.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50288182](#)

Department of Health

Case Ref: FS50293611

Date: 11/08/2010

Summary: The complainant requested a copy of a briefing document prepared for a Minister by a DoH official. The DoH initially cited section 14(1), and refused to deal with the request on the grounds that it was vexatious. During the Commissioner's investigation he found that some of the requested information was, in fact, the complainant's personal data – and this was instead considered for disclosure by the DoH under section 7 of the Data Protection Act 1998. In relation to the outstanding information, which was not the personal data of the complainant, the DoH dropped its use of section 14(1), and instead disclosed the information to him. As the information which is the personal data of the applicant is absolutely exempt from disclosure under the Act under section 40(1), and as the information which was not his personal data has now been disclosed, there are no steps the Commissioner can order to be taken. However, in failing to disclose the non-personal data within 20 working days, the Commissioner finds that the DoH did not meet the requirements

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 40 -

Complaint Not upheld

[View a PDF of decision notice FS50293611](#)

North Devon District Council

Case Ref: FS50263415

Date: 12/07/2010

Summary: The complainant made 18 requests to North Devon District Council ('the Council') on 11 April 2009 and a further request on 19 April 2009. The Council refused to provide the information requested, citing section 14(1) of the Freedom of Information Act 2000 ('the Act'). The Commissioner has concluded that it was reasonable for the Council to apply section 14(1) of the Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50263415](#)

New Forest National Park Authority

Case Ref: FER0285305

Date: 05/07/2010

Summary: On 29 June 2009, the complainant wrote to New Forest National Park Authority (NPA) with four questions about its decision not to take planning enforcement action against the complainant's neighbour. The complainant was unhappy with NPA's response to questions one and four and, following an internal review by NPA, complained to the Commissioner. During the Commissioner's investigation – and following the decision of the First Tier Tribunal (Information Rights) to dismiss the complainant's appeal against a previous Decision Notice – NPA stated that it considered the request to be manifestly unreasonable and that it should have applied the exception to disclosure provided by regulation 12(4)(b) of the EIR. The Commissioner considered it appropriate to allow the late application of the exception and agreed that the request was manifestly unreasonable and that the public interest favoured maintaining the exemption. The Commissioner found procedural breaches in the way in which NPA handled the request but requires no steps to be taken. Information Tribunal appeal EA/2010/0143 withdrawn.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0285305](#)

BBC

Case Ref: FS50266075

Date: 28/06/2010

Summary: The complainant made requests to the BBC for any communications

or information generated relating to the handling of his complaint to BBC Editorial Complaints Unit and subsequent appeal to the BBC Trust's Editorial Standards Committee. His complaints related to an edition of the programme 'Panorama'. The BBC refused to comply with some of the requests on the basis that they were vexatious and applied section 14(1) of the Act, and stated that the remaining requested information was outside the scope of the Act. In view of two High Court decisions handed down on 2 October 2009 the BBC amended its original position and argued that all of the information relevant to the requests was outside the scope of the Act. The Commissioner's decision is that the BBC correctly determined that the requested information is held to a significant extent for the purposes of art, journalism or literature and therefore the BBC is not obliged to comply with Parts I to V of the Act. Information Tribunal appeal number EA/2010/0125 dismissed.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50266075](#)

BBC

Case Ref: FS50316361

Date: 28/06/2010

Summary: The complainant made requests to the BBC for details of its procedures for handling editorial complaints and correspondence and documentation generated in the course of the handling of his previous editorial complaints and related requests for information. His complaints and requests related to an edition of the programme 'Panorama'. The BBC refused to comply with some of the requests on the basis that they were vexatious and applied section 14(1) of the Act. The BBC subsequently amended its original position and argued that all of the information relevant to the requests was outside the scope of the Act. The Commissioner's decision is that the BBC correctly determined that the information is held to a significant extent for the purposes of art, journalism or literature and therefore the BBC is not obliged to comply with Parts I to V of the Act.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld

[View a PDF of decision notice FS50316361](#)

Ealing Council

Case Ref: FS50184497

Date: 24/06/2010

Summary: The complainant requested the names, job titles, departments and telephone numbers of all the council's employees excluding school and manual staff. The council supplied some of the information but refused disclosure of the remainder under s36(2)(c), s31(1)(g) and s40(2) of the Act. The Commissioner decided that the public interest in maintaining the exemption at s36(2)(c) outweighed the public interest in disclosure. As the Commissioner's

decision is that the information is exempt from disclosure he has not gone on to consider the application of the exemptions at s31 and s40. The Commissioner found the council to have breached s17(1), s17(1)(b) and s17(3)(b) of the Act.

Section of Act/EIR & Finding: FOI 17 - Complaint Upheld, FOI 36 - Complaint Not upheld

[View a PDF of decision notice FS50184497](#)

Channel 4

Case Ref: FS50206893

Date: 23/06/2010

Summary: The complainant requested information in relation to the public authority's decision to air the E4 channel on Freeview platforms especially given the fact that the channel continued to be available for some time afterwards on a subscription only basis on Sky. The public authority declined the requests on the basis of the exemptions at sections 41 (confidential information) and 43(2) (commercial interests) and during the course of the Commissioner's investigation argued that the requests were vexatious in accordance with the provisions of section 14(1). The Commissioner decided that the requests were not vexatious within the meaning of section 14(1) of the Act. He also found that some of the withheld information had been correctly withheld on the basis of sections 41 and 43(2) but the remainder should have been disclosed because the exemptions did not apply. Consequently, he found the public authority in breach of sections 1(1)(b) (Right of access to information held by public authorities) and section 10(1) (Time for compliance with requests). He additionally found the public authority in breach of sections 17(1)(b) and 17(3) (Refusal of request). Information Tribunal appeal number EA/2010/0134 part-allowed.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 41 - Complaint Partly Upheld, FOI 43 - Complaint Partly Upheld

[View a PDF of decision notice FS50206893](#)

Department for Transport

Case Ref: FS50244348

Date: 27/05/2010

Summary: The complainant requested a copy of the content of any email in the folders of the Secretary of State, Ministers and their secretaries which contained the word embarrassing. The Department for Transport (the "DfT") initially relied upon section 14(1) to refuse this request. During the Commissioner's investigation the DfT dropped its reliance on section 14(1) and disclosed some information to the complainant. However, it also withheld some information under sections 36(2)(b)(i) and (ii), 36(2)(c), 40(2) and 40(3)(a)

(i), and 43(2). At a later stage of the investigation it also relied upon section 41. After investigating the case the Commissioner decided that the outstanding information was exempt from disclosure under section 36(2)(b)(ii). However, the Commissioner also decided that DfT failed to meet the requirements of sections 10(1), 17(1) and 17(5).

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 36 - Complaint Not upheld

[View a PDF of decision notice FS50244348](#)

Her Majestys Revenue and Customs

Case Ref: FS50199510

Date: 25/05/2010

Summary: The complainant referred two requests for information to the Commissioner that concern HMRC's policies on capital gains tax and specific information about the sale of a property in 2004. The public authority responded to each request individually and stated that it believed that they were vexatious and that section 14(1) applied. It conducted a single internal review in relation to these two requests (and a third request) and confirmed its position. The Commissioner investigated and found that the public authority did not provide sufficient evidence for section 14(1) of the Act to be engaged in relation to these two requests. For each of the two requests, the public authority is required to confirm or deny to the complainant if the information requested is held and either disclose this information to the complainant or provide him with a valid refusal notice in accordance with the requirements of section 17(1) of the Act. It is required to do this within 35 calendar days.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld

[View a PDF of decision notice FS50199510](#)

Children and Family Court Advisory and Support Service

Case Ref: FS50267470

Date: 25/05/2010

Summary: The complainant requested eight items from the public authority to assist him in going to court about his ongoing dispute with it. The public authority applied section 14 [vexatious requests] to the request. This meant it was not obliged to comply with section 1(1)(a) or (b). It upheld its position within its internal review. The complainant referred the case to the Commissioner. The Commissioner has considered this case and believes that three elements constituted requests for the complainant's personal data and should have been considered separately under the Data Protection Act. Of the remaining five items, one was subsequently provided and he finds procedural breaches of sections 1(1)(a), 1(1)(b) and 10(1) for not confirming it was held

or providing the information in 20 working days. For the final four elements he has studied the context and background in which the request was made and has determined that a reasonable public authority could have found these elements vexatious. He therefore upholds the application of section 14(1). He requires no remedial steps to be taken in this instance.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50267470](#)

Wirral Metropolitan Borough Council

Case Ref: FS50234468

Date: 18/05/2010

Summary: The complainant made a large number of requests to the council, over a relatively short period of time, for information which related to a planned development in Hoylake, The Wirral, Merseyside. The Council responded to a number of the requests which it had received stating that the requests were vexatious. It therefore refused to respond further to the complainant. On review the council maintained its view that the requests were vexatious and therefore exempt under section 14 of the Act. The Commissioners decision is that the information which has been requested is environmental information and that the council should have considered its disclosure under the Environmental Information Regulations 2004. It therefore breached Regulation 14 (3) in not providing an adequate refusal notice under the Regulations. Information Tribunal appeal number EA/2010/0115 withdrawn.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50234468](#)

Huntingdonshire District Council

Case Ref: FER0233834

Date: 11/05/2010

Summary: The complainant made a 34 part request for information to the Council for recorded information which relates to his property, the land/properties surrounding it and various complaints he had made against the Council and its staff. The Council responded informing the complainant that his request for information was manifestly unreasonable and therefore it wished to rely on regulation 12(4)(b) of the EIR. As the complainant remained dissatisfied, he approached the Commissioner. The Commissioner has investigated this complaint and he is satisfied from the evidence available that the Council was correct to rely on regulation 12(4)(b) of the EIR in this case and that the public interest in maintaining this exception outweighed the public interest in responding to the request and disclosing the information.

Information Tribunal appeal number EA/2010/0105 struck out.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FER0233834](#)

Richmond Adult Community College

Case Ref: FS50244267

Date: 26/04/2010

Summary: The complainant made a request to Richmond Adult Community College (the "College") on 26 March 2009 for minutes of meetings for the year 2007. The College refused the request for information as it deemed the request vexatious under section 14 of the Act and furthermore stated that to comply with the request would exceed the cost limit under section 12 of the Act. The College took into account a series of events leading up to the request on 26 March 2009, and deemed this request vexatious under section 14(1) of the Freedom of Information Act 2000 (the "Act"). The Commissioner has considered this request in the context and background in which it was made and has decided that the College correctly applied section 14(1) of the Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50244267](#)

Department of Health

Case Ref: FS50128567

Date: 30/03/2010

Summary: The complainant submitted a seven-part request to the Department of Health ("the DH") concerning the correspondence which the DH may have exchanged with HRH The Prince of Wales and His Royal Highness' representatives. The DH initially refused to confirm or deny whether it held information falling within the scope of the request in reliance on section 37(2) of the Act – communications with the Royal Household. During the course of the Commissioner's investigations the DH confirmed to the complainant that it did hold information falling within the scope of his request. The DH also reconsidered its approach to the complainant's request and determined that it was not obliged to provide the information because to do so would exceed the appropriate cost limit under section 12(1) of the Act. The DH provided the Commissioner with documents containing information relevant to the complainant's request. The Commissioner has determined that some of the information contained within them is environmental information and should therefore have been dealt with under the Environmental Information Regulations 2004 ("the EIR"). For the information which is not environmental, the Commissioner has decided that the DH is entitled to refuse the complainant's request on the basis that to comply with the request would exceed the appropriate limit and therefore section 12(1) of the Act applies. In respect of the environmental information, the Commissioner has decided that

the DH is also entitled to refuse the request under regulation 12(4)(b) of the EIR on the basis that the request is manifestly unreasonable. In its handling of the request the Commissioner has determined that the DH breached sections 1(1)(a), 10(1), 16 and 17(5) of the Act and regulations 9, 11(4), 14(2) and 14(3) of the EIR. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 12 - Complaint Not upheld, FOI 16 - Complaint Upheld, FOI 17 - Complaint Upheld, EIR 9 - Complaint Upheld, EIR 11 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50128567](#)

British Council

Case Ref: FS50163207

Date: 09/03/2010

Summary: The complainant requested information from the British Council relating to the Council's sponsorship of students on English language courses in Libya. The Council refused the request under sections 12 and 14 of the Act. The Commissioner found that the Council had acted correctly in refusing the request under section 12 as the appropriate cost limit would have been exceeded. The Council was not correct to apply section 14 to the request. The Commissioner also found that the Council had breached sections 17(5) and 17(7) of the Act.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld, FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50163207](#)

British Council

Case Ref: FS50171231

Date: 09/03/2010

Summary: The complainant requested information from the British Council (the Council) relating to the International English Language Testing System (IELTS). The Council did not disclose the information, relying upon sections 12 and 14 of the Act. The Commissioner found that the Council had acted correctly in refusing to disclose the information under section 12 as the appropriate cost limit would have been exceeded. The Council was not correct to apply section 14 to the request. He found that it had breached sections 1(1)(a), 16(1), 17(5) and 17(7) of the Act.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld, FOI 14 - Complaint Upheld, FOI 16 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50171231](#)

Leeds City Council

Case Ref: FS50213882

Date: 04/03/2010

Summary: The complainant complained about the Council's response to a number of requests he made regarding a planning application. He complained that he did not consider that Leeds City Council ("the Council") had provided all the information it held and about the fact it had applied the exemption under section 40(2) of the Freedom of Information Act 2000 ("the FOIA") to information about a particular planning officer. The Information Commissioner ("the Commissioner") considered some of these requests as part of his investigation. The Commissioner noted that two of the requests were not responded to by the Council and he requires the Council to respond to these. Regarding the remaining requests, the Commissioner considers that the Council should have dealt with the requests under the Environmental Information Regulations 2004 ("the EIR"). Regarding the information originally withheld under section 40(2) of the FOIA, the Commissioner found that this information was not actually held. Regarding the remaining requests, the Commissioner was satisfied that no information was held in relation to one of the requests and in relation to the other, he was satisfied that the information that was held had already been provided. However, he found that the Council breached regulation 5(2), 11(4), 14(2) and 14(3)(a) of the EIR.

Section of Act/EIR & Finding: EIR 5 - Complaint Not upheld, EIR 5 - Complaint Upheld, EIR 11 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50213882](#)

Exeter City Council

Case Ref: FS50202965

Date: 01/03/2010

Summary: The complainant made two requests to Exeter City Council on 20 December 2007 and 22 January 2008. The Council applied section 14(1) of the Freedom of Information Act (the "Act") and refused to provide any of the requested information. During his investigation, the Commissioner determined that part of the requested information fell under the provisions of the Environmental Information Regulations 2004 (EIR). The Council subsequently applied regulation 12(4)(b) of the EIR to that information, and section 14(1) of the Act to the remainder. The Commissioner concluded that it was reasonable for the Council to apply section 14(1) of the Act. This Commissioner also concluded that the Council had correctly applied regulation 12(4)(b) of the EIR, and that the public interest in maintaining the exception outweighed the public interest in disclosing the information. The Commissioner found some procedural breaches in the way in which the Council handled the requests but requires no steps to be taken.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 -

Complaint Not upheld, EIR 11 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50202965](#)

Ministry of Justice

Case Ref: FS50140182

Date: 25/02/2010

Summary: The complainant made a series of 167 requests to the Ministry of Justice for information relating to various issues regarding the Employment Appeals Tribunal. The public authority refused the requests under section 12(1) on the grounds that the cost of complying would exceed the appropriate limit of £600 for central government departments. During the course of the Commissioner's investigation the public authority informed the Commissioner that it also considered that the requests were vexatious within the meaning of section 14(1) of the Act. The Commissioner has investigated the complaint and has found that section 14(1) applies and that the public authority was not obliged to respond to the complainant's requests. However, the Commissioner also found that by failing to inform the complainant that it was relying on section 14(1) within 20 working days of receiving the requests, it breached section 17(5) of the Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50140182](#)

Wiltshire County Council

Case Ref: FS50203056

Date: 22/02/2010

Summary: The complainant made a number of requests to Wiltshire County Council between 4 May 2008 and 26 May 2008. The Council refused to provide any information requested, citing section 14(1) of the Freedom of Information Act (the "Act"). The Council subsequently applied regulation 12(4)(b) of the EIR in respect of three of these requests, and section 14(1) of the Act in respect of the remainder. The Commissioner concluded that it was reasonable for the Council to apply section 14(1) of the Act. The Commissioner also concluded that the Council had correctly applied regulation 12(4)(b) of the EIR, and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information. However, the Commissioner found that the Council breached section 17(7) of the Act as it failed to issue a notice containing particulars of the Council's complaints procedure. The Commissioner also found that the Council breached regulation 11 of the EIR for failing to conduct a proper reconsideration, and regulation 14 of the EIR for not issuing a refusal under EIR during its handling of three of the requests.

Section of Act/EIR & Finding: EIR 11 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Partly Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50203056](#)

West Sussex County Council

Case Ref: FS50200310

Date: 15/02/2010

Summary: The complainant requested information about traffic restriction orders and road signs on roads around Balcombe. The council provided some information but stated that it did not hold, or could not find other information which he had requested. The complainant asked the council to review its position. The council responded claiming that the information was exempt because of the cost which would entail searching further for information it did not believe it holds. The Commissioner wrote to the council and explained that in his view the information was environmental information and that the requests should have been considered under the Environmental Information Regulations 2004. The council agreed with this and reconsidered its position. It then responded indicating that the exception in regulation 12(4)(b) applied as it had already spent in excess of 33 hours responding to his request. The Commissioner's decision is that the council was not able to apply regulation 12(4)(b) because it would not be manifestly unreasonable to search further for the requested information in this instance.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50200310](#)

Sport England

Case Ref: FS50204620

Date: 15/02/2010

Summary: The complainant made a number of information requests to Sport England on 4 March 2008 for information concerning Sport England's dealings with Baseball Softball UK (BSUK) and its successor organisation. Some information was disclosed but other information was withheld on the basis of exemptions in sections 21, 40 and 41 of the Act. The Commissioner has investigated and found that while Sport England was correct to apply sections 21 and 41, he was not satisfied with the application of section 40 to two job contracts. The Commissioner has ordered Sport England to release the contracts, subject to a minor redaction. The Commissioner has also noted the difficulty of establishing the details of the handling of these requests because of gaps in Sport England's record keeping.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 17 -

Complaint Upheld, FOI 21 - Complaint Not upheld, FOI 40 - Complaint Upheld,
FOI 41 - Complaint Not upheld

[View a PDF of decision notice FS50204620](#)

Cabinet Office

Case Ref: FS50227053

Date: 11/02/2010

Summary: The complainant requested copies of the citations for ten individuals who had been awarded the King's Medal for Courage in the Cause of Freedom. The Cabinet Office argued that this information was exempt from disclosure on the basis of section 23(1) of the Act. The Commissioner has concluded that in the circumstances of this case section 23(1) does provide a basis for withholding the information requested by the complainant.

Section of Act/EIR & Finding: FOI 17 - Complaint Upheld, FOI 23 - Complaint Not upheld

[View a PDF of decision notice FS50227053](#)

Insolvency Service

Case Ref: FS50183889

Date: 09/02/2010

Summary: The complainant requested 'precise and detailed information' in respect of a number of issues relating to legal procedures and the responsibilities of an appointed Trustee in Bankruptcy. On receipt of the request the authority initially responded by stating it was a repeated request and refused to answer it on the basis of section 14(2) of the Act but then changed this to a refusal under section 14(1) of the Act (vexatious request). The Commissioner, on balance, considers that the public authority was correct to refuse the request under section 14(1). Information Tribunal appeal number EA/2010/0041 has been dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50183889](#)

Essex Police

Case Ref: FS50219757

Date: 01/02/2010

Summary: The complainant made a request for information about two police officers serving within Essex Police (the "public authority"). The information was withheld under the exemption in section 40(2) (personal information) of the Freedom of Information Act 2000 (the "Act"). The Commissioner's decision is that the exemption at section 40(2) is engaged but that disclosure would not

breach any of the principles in the Data Protection Act 1998 (the "DPA"). The complaint is upheld. The Commissioner further finds that the public authority breached sections 1(1)(b) and 10(1) in failing to disclose the withheld information.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 10 - Complaint Upheld, FOI 40 - Complaint Upheld

[View a PDF of decision notice FS50219757](#)

Bath and North East Somerset Council

Case Ref: FER0196026

Date: 26/01/2010

Summary: On 23 October 2007 the complainant made a request for information relating to the Bath Western Riverside Scheme. Bath and North East Somerset Council refused the request citing regulation 12(4)(b) of the Environmental Information Regulations 2004 (the 'EIR'). On 27 December 2007 the complainant refined his request and asked for to the latest financial model and viability assessments for the scheme. The Council refused this refined request on the basis of regulation 12(5)(e) and (f) of the EIR. The Commissioner determined that the Council was correct to refuse the original request by virtue of regulation 12(4)(b) of the EIR. In relation to the refined request, the Commissioner considered that regulation 12(5)(e) is engaged for the withheld information, but that the public interest favours disclosure. Further, the Commissioner found that the exception provided by regulation 12(5)(f) was not engaged. The Commissioner's decision is that the Council must disclose the information requested on 27 December 2007. Information Tribunal appeal number EA/2010/0045 part allowed.

Section of Act/EIR & Finding: EIR 5 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 11 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld, EIR 12.5.e - Complaint Upheld, EIR 12.5.f - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0196026](#)

Surrey County Council

Case Ref: FER0212346

Date: 25/01/2010

Summary: The complainant requested information about the widening of a crossover from the council, together with other information associated with a change of use of business premises. The council relied upon section 14 of the Act and regulation 12(4)(b). The Commissioner's decision is that the information in question is environmental information. The Commissioner's decision is that the authority was able to rely upon regulation 12(4)(b). The complainant's request was vexatious and therefore manifestly unreasonable for the purposes of the regulation 12(4)(b). The Commissioner has not therefore

considered the application of section 14 further in this instance.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FER0212346](#)

Eastbourne Borough Council

Case Ref: FS50230569

Date: 19/01/2010

Summary: The complainant requested copies of documents he described as having been incorrectly served on a person connected with his property. The public authority has previously disclosed information to the complainant and maintains that it does not hold any information relating to the matter which has not already been disclosed to him. The public authority refused to comply with the complainant's request, arguing that it was vexatious under section 14 of the Freedom of Information Act. The Commissioner's decision is that the public authority was correct in its application of section 14(1) of the Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50230569](#)

Ministry of Defence

Case Ref: FS50200860

Date: 19/01/2010

Summary: The complainant made a series of requests from November 2007 to February 2008 to the Ministry of Defence concerning the safety of life rafts following a fatal incident in 1998. The public authority declared them vexatious under section 14. The Commissioner has investigated and finds that the public authority correctly applied section 14 to the requests.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50200860](#)

Fareham Borough Council

Case Ref: FER0193385

Date: 07/01/2010

Summary: The complainant made a number of requests to Fareham Borough Council ('the Council') between January 2005 and November 2008. The Council refused to respond to the complainant's latest request citing section 14 of the Freedom of Information Act 2000. The Commissioner investigated and determined that the request should have been considered under the Environmental Information Regulations 2004 (EIR) and the Council subsequently applied regulation 12(4)(b). The Commissioner concluded that regulation 12(4)(b) was not engaged. The Commissioner requires the Council to confirm or deny whether the information is held and if held, either disclose

this information to the complainant or issue the complainant with a valid refusal notice under regulation 14 of the EIR.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0193385](#)

Ministry of Defence

Case Ref: FS50102962

Date: 21/12/2009

Summary: On the 19 October 2005 the complainant requested information from a database of the Clearing house of the Ministry of Justice ('MOJ'). The MOJ originally refused the information under section 36(2)(b) and (c), but during the Commissioner's investigation changed their reliance to section 12 of the Act whilst informing the complainant of this. The Commissioner found the MOJ in breach of section 17(5) of the Act for the late application of section 12, and s16(1) for failure to offer advice and assistance but considers the MOJ correctly applied section 12(1) of the Act to the request. He ordered the MOJ to provide appropriate advice and assistance as required by section 16(1) of the Act.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld, FOI 17 - Complaint Upheld, FOI 16 - Complaint Upheld

[View a PDF of decision notice FS50102962](#)

Department for Environment Food and Rural Affairs

Case Ref: FER0124796

Date: 21/12/2009

Summary: The complainant wrote to the Department for Environment, Food and Rural Affairs to request details of contact and correspondence with HRH The Prince of Wales and his representatives. The public authority refused the request under section 12(2) of the Act on the grounds that the cost of confirming or denying if the requested information was held would exceed the appropriate limit. The Commissioner has investigated the complaint and has found that the request was for environmental information and that therefore the public authority should have dealt with it under the Environmental Information Regulations 2004. However, the Commissioner has found that the request was manifestly unreasonable within the meaning of regulation 12(4)(b) and that therefore the public authority was not obliged to comply with it. The Commissioner also found that the public authority met its obligations under regulation 9(1) (advice and assistance) but breached regulations 14(2) and 14(3) (refusal to disclose information) and regulation 11(4) (representations and reconsideration) in its handling of the complainant's

request. The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: EIR 9 - Complaint Not upheld, EIR 11 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0124796](#)

Department for Environment Food and Rural Affairs

Case Ref: FS50159579

Date: 14/12/2009

Summary: The complainant requested information concerning meetings between DEFRA and the Environment Agency and British Waterways. The complainant subsequently submitted a meta-request, ie a further request for information about the handling of his first request. DEFRA refused to disclose the requested information in both instances, citing the exemption in section 36 of the Act. Following the internal review DEFRA changed its stance slightly, claiming that should section 36 not be engaged in relation to the information, then section 35 should apply in the alternative. The Commissioner found that the requested information was exempt by virtue of section 35 of the Act. In relation to the second request the Commissioner found that the exemption at section 36 was engaged. With respect to both requests the Commissioner found that the public interest in maintaining the exemption outweighed the public interest in disclosing the information. The Commissioner therefore found that DEFRA had acted correctly in withholding the information.

Section of Act/EIR & Finding: FOI 17 - Complaint Upheld, FOI 35 - Complaint Not upheld, FOI 36 - Complaint Not upheld

[View a PDF of decision notice FS50159579](#)

Ministry of Justice

Case Ref: FS50155363

Date: 03/12/2009

Summary: The complainant made an information request to the Ministry of Justice regarding the implementation of the Freedom of Information Act 2000 and the conduct of civil servants. The public authority deemed the request vexatious and relying on section 14 of the Act refused to meet the request. In investigating the MoJ's handling of the request, the Commissioner also considered the request in the context and background in which it was made. He finds that the public authority's refusal to comply with the request by virtue of section 14 of the Act was correct. However, the Commissioner has concluded that the public authority breached section 17(5) of the Act by failing to provide the complainant with the refusal notice within 20 working days of his request.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50155363](#)

Kent Police

Case Ref: FS50233971

Date: 30/11/2009

Summary: The complainant requested the details of two police officers in connection with an incident in May 2006 that led to his arrest and conviction and the details of cautions or convictions of a third party arrested and cautioned in the same incident. The public authority refused the requests under section 14(1) as they were considered vexatious. The Commissioner finds that the requests can be accurately characterised as vexatious owing to the burden of expense and distraction they would impose on the public authority, that they have the effect of harassing the public authority and individual members of its staff and that they are obsessive in nature. The public authority therefore applied section 14(1) correctly and is not obliged to comply with these requests. The Commissioner also finds, however, that the public authority failed to comply with section 17(5) in that it did not respond to the request within 20 working days of receipt. Information Tribunal appeal number EA/2010/0004 has been dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50233971](#)

Arts Council England

Case Ref: FS50251368

Date: 26/11/2009

Summary: The complainant requested five categories of information in order to obtain evidence that would assist him in his ongoing complaint. The public authority responded that it believed that the request was vexatious and that section 14 applied and it upheld its position in its internal review. The Commissioner has considered this case and believes that one element constituted the complainant's personal data and should have been considered separately under the Data Protection Act. In relation to the other elements, he has considered the application of section 14(1) and finds that it was applied correctly in this case. Information Tribunal appeal number EA/2009/0105 has been dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Not upheld

[View a PDF of decision notice FS50251368](#)

Health and Safety Executive

Case Ref: FS50208340

Date: 23/11/2009

Summary: The complainant made a series of requests for information relating to the Health and Safety Executive's (HSE) investigation of a fatal accident at the Charterhouse School in 1998. The public authority initially stated that no information was held and advised the complainant where information which might meet the description in his request may be located. In response to subsequent requests, the HSE disclosed some information but withheld the remainder of the information held under the exemptions provided by sections 40(2) and 41 of the Freedom of Information Act 2000 (the Act). In particular, the HSE maintains that its findings in the investigation are not held. The Commissioner's decision is that the public authority no longer holds the requested information.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld, FOI 17 - Complaint Upheld, FOI 40 - Complaint Not upheld, FOI 41 - Complaint Not upheld

[View a PDF of decision notice FS50208340](#)

Driver and Vehicle Licensing Agency

Case Ref: FS50179473

Date: 18/11/2009

Summary: The complainant requested various pieces of information from the DVLA regarding its Continuous Registration (CR) scheme. The DVLA stated that sections 12 and 14 of the Act did not require it to comply with the request. Following the Commissioner's intervention, the DVLA provided some information but maintained its position that it had correctly applied sections 12 and 14 of the Act and that it was not required to comply with the request. The DVLA also stated that it did not hold some of the requested information. The Commissioner's view is that the DVLA applied sections 12 and 14 of the Act correctly and that, based on the balance of probabilities, it does not hold the remainder of the requested information. The Commissioner found that the DVLA breached section 1(1)(a) of the Act but requires no steps to be taken. Information Tribunal appeal number EA/2009/0119 part allowed.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld, FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50179473](#)

Stockport Metropolitan Borough Council

Case Ref: FS50232537

Date: 10/11/2009

Summary: The complainant requested information from Stockport Metropolitan

Borough Council ("the Council") relating to the issue of redundant school land not meeting expectations in the current financial crisis. The Council refused to comply with the request on the grounds that it considered it to be vexatious under section 14 of the Freedom of Information Act 2000 ("the Act"). However, the Information Commissioner (the "Commissioner") found that some of the information requested would, if held, be environmental information and should have been considered under the Environmental Information Regulations. Upon investigation the Commissioner concluded that the Council had provided sufficient evidence for section 14(1) of the Act to be engaged and that it was not obliged to comply with the request as it was manifestly unreasonable under regulation 12(4)(b). However, the Commissioner also found that the Council breached section 10(1) and section 17(5) of the Act for not responding within the statutory time limit and that by failing to deal with the request under the EIR the Council also breached regulation 14(2) and 14(3) but the Commissioner is not required to take any further steps in respect of this complaint.

Section of Act / EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50232537](#)

Insolvency Service

Case Ref: FS50180899

Date: 04/11/2009

Summary: The complainant made a request to the Insolvency Service, for information relating to disqualification of company directors during 2000-2005. The Insolvency Service refused the request on the grounds that compliance would exceed the cost limit as set out at section 12(1) of the Act. The complainant refined his request, but the Commissioner finds that the Insolvency Service correctly applied the cost limit, and to comply even with the refined request would exceed the cost limit. Therefore the Commissioner does not require the Insolvency Service to take any remedial steps. However the Commissioner finds that the Insolvency Service breached section 17(5) in failing to issue a refusal notice within the statutory time limit.

Section of Act / EIR & Finding: FOI 12 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50180899](#)

Blackpool Fylde and Wyre Hospitals NHS Trust

Case Ref: FS50234985

Date: 04/11/2009

Summary: The complainant made a series of requests to Blackpool, Fylde & Wyre Hospitals NHS Trust ('the Trust') relating to the death of his mother

following a surgical procedure and his subsequent complaint about this matter. Owing to the resources that it felt it had expended on these issues, the Trust came to label the complainant as vexatious for the purposes of its own vexatious complaints policy. The complainant has since requested information about the implementation of this policy, which the Trust refused under section 14(1) of the Freedom of Information Act 2000. Whilst the Commissioner understands the sensitivity of the history of the request, he has found that section 14(1) does apply and has therefore not upheld the complaint. Information Tribunal appeal number EA/2009/0103 has been dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50234985](#)

City of Westminster Council

Case Ref: FS50199130

Date: 03/11/2009

Summary: The complainant made a request for information to the City of Westminster ("the Council") on 19 January 2008 for a copy of all correspondence and documentation regarding the commissioning, production and issuing of a fire risk assessment report. The Council refused to comply with the request on the grounds that it considered it to be vexatious under section 14 of the Freedom of Information Act 2000 ("the Act"). The Commissioner investigated and found that the Council did not provide sufficient evidence for section 14(1) of the Act to be engaged. The Commissioner also found that the Council breached section 17(5) of the Act for not issuing the refusal notice within the statutory time limit. The Council is required to confirm or deny to the complainant if the information requested is held and either disclose this information to the complainant or provide him with a valid refusal notice in accordance with the requirements of section 17(1) of the Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50199130](#)

Wokingham Borough Council

Case Ref: FS50169323

Date: 27/10/2009

Summary: The complainant made various requests for information relating to urban verges and licence to plant authorisations from Wokingham Borough Council (the council). The council responded by refusing to disclose the information on the grounds that the requests were vexatious under section 14 of the Freedom of Information Act (the Act). During the course of the investigation the Commissioner invited the council to reconsider the requests under the Environmental Information Regulations 2004 (the EIR) and issue a

revised response. However, notwithstanding its agreement to do this and a number of reminders it has failed to do so. The Commissioner requires that the council now provide the complainant with the information requested or issue a refusal notice in accordance with regulation 14.

Section of Act/EIR & Finding: EIR 5 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50169323](#)

Lancashire Constabulary

Case Ref: FS50188588

Date: 22/10/2009

Summary: The complainant made a request for detailed information about a now redundant mobile safety camera site and especially the weather conditions and presence of sun visors in vehicles against which tickets were issued. He also made a significant number of information requests under this Act about the operation of this site. The Constabulary refused the complainant's request under section 14 of the Act as vexatious. The Commissioner upheld the Constabulary's application of section 14 and dismissed the complaint. Information Tribunal appeal number EA/2009/0110 has been dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50188588](#)

Information Commissioner

Case Ref: FS50232439

Date: 20/10/2009

Summary: The complainant made a request for information containing a number of questions for the ICO to respond to under the Act. This was the ninth request for information that had been received from this complainant. The ICO informed the complainant that it found that the request was vexatious and that the public authority did not therefore need to comply with the request in this case because section 14(1) applied. The Commissioner finds that ICO has applied section 14(1) correctly in this case and that it is not required to take any further steps in respect of this complaint.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50232439](#)

Treasury Solicitors

Case Ref: FS50127453

Date: 19/10/2009

Summary: The complainant requested that the Treasury Solicitor's Department ("TSOL") provided him with the identity of the individual(s) whose allegations

culminated in him being declared a vexatious litigant. TSOL refused to disclose the information on grounds provided by section 30 (investigations and proceedings conducted by public authorities) or, in the alternative, section 31 (law enforcement) of the Act. The Commissioner has concluded that the information is the personal information of the complainant and therefore exempt under section 40(1) of the Act and that the public authority should have treated the request as a subject access request under section 7 of the Data Protection Act 1998 (DPA).

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50127453](#)

Bexley London Borough Council

Case Ref: FS50193947

Date: 30/09/2009

Summary: The complainant requested information concerning the appointment of an independent member of a Social Services Review Panel. The public authority provided some information and refused other material on the basis of the exemption in section 40(2) of the Act. The complainant subsequently made repeated requests for the same and similar information on 11 January 2008. The complainant then complained to the Commissioner that he had not had a response to the January 2008 requests. The Commissioner has concluded that the public authority was correct to deem the requests of 11 January 2008 vexatious and that, by virtue of section 17(6) of the Act, it was not obliged to issue the complainant with a refusal notice explaining that fact. This is because it had previously issued a notice under section 17(5) in relation to similar requests regarding the same topic.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50193947](#)

Wakefield Metropolitan District Council

Case Ref: FS50178424

Date: 29/09/2009

Summary: The complainant has, over a period of three years, made a series of requests stemming from Wakefield Metropolitan District Council's application of its high-hedges policy. Given the extent of its communications with the complainant about this issue, the Council deemed the latest of the requests as vexatious pursuant to section 14(1) of the Freedom of Information Act 2000. Whilst the Commissioner believes that this matter was finely balanced, he has found that section 14(1) does apply and therefore has not upheld the complaint. Information Tribunal appeal number EA/2010/0082 struck out.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50178424](#)

Brighton and Hove City Council

Case Ref: FER0178071

Date: 24/09/2009

Summary: The complainant requested copies of correspondence between council officers related to the drawing up of the report concerning the King Alfred development at Brighton & Hove. In particular he requested correspondence which provided advice/opinions on the council's recommendation to approve and its compliance with planning guidelines. The council withheld the information via the exceptions at regulations 12(4)(b), 12(4)(e), 12(5)(b), 12(5)(f) and 13(1) of the EIR. The Commissioner found the council to have incorrectly applied the exceptions. He also found that it had failed to comply with regulations 5(1), 5(2) and 14(3)(a) of the EIR. The Commissioner ordered disclosure of the information.

Section of Act/EIR & Finding: EIR 5 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 12.4.b - Complaint Upheld, EIR 12.4.e - Complaint Upheld, EIR 12.5.b - Complaint Upheld, EIR 12.5.f - Complaint Upheld, EIR 13 - Complaint Partly Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FER0178071](#)

Bristol City Council

Case Ref: FS50180713

Date: 24/09/2009

Summary: The complainant made a number of requests to Bristol City Council, relating to a noise insulation claim he made following the development of a spine road in Bristol. The Council applied the exclusion under section 14(1) of the Act to the most recent request because it considered that the request was vexatious. The Commissioner has investigated and is satisfied that the Council was able to demonstrate that the request had been correctly refused. Therefore the Commissioner requires no action to be taken in relation to this request.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50180713](#)

Vale of Glamorgan Council

Case Ref: FS50232757

Date: 21/09/2009

Summary: The complainant requested information from the Vale of Glamorgan Council ('the Council') regarding the contractual arrangements it had entered into with a third party in relation to the sale of a particular piece of land. The Council considered the complainant had not made a valid information request

and failed to confirm or deny whether it held information relevant to the request, or provide any information, where it was not exempt from disclosure. The Council has not provided an appropriate response to the request, despite the intervention of the Commissioner. The Commissioner considers that the information requested, if held, would be environmental information and should have been considered under the EIR. In failing to consider the request in accordance with the provisions of the EIR, the Council has breached regulation 5(2) of the EIR. The Commissioner requires the Council to either provide the information requested or issue a valid refusal notice that complies with regulation 14 of the EIR within 35 days of the date of this notice.

Section of Act/EIR & Finding: EIR 5 - Complaint Upheld

[View a PDF of decision notice FS50232757](#)

New Forest National Park Authority

Case Ref: FER0237548 and FER0239845

Date: 16/09/2009

Summary: The complainant's representative made two requests on her behalf to the New Forest National Park Authority (NPA) for information relating to a planning matter regarding a listed property adjoining her property. The first request was for an internal memorandum held by NPA on the planning enforcement file that set out the situation at the adjoining property, against whose owner NPA had considered – but subsequently decided against - taking planning enforcement action. The second request was for the whole planning enforcement file referenced 06/123 with a comprehensive list of contents and entry dates and details of any removals before disclosure. NPA considered the context and history of the complainant's and her representative's dealings with NPA and determined that both requests were manifestly unreasonable. It therefore applied the exception to disclosure provided by regulation 12(4)(b) of the EIR and refused the requests. Because the requests are clearly linked, the Commissioner decided to issue one Decision Notice covering both requests. He concluded that in both instances regulation 12(4)(b) was engaged and that the public interest in maintaining the exception outweighed the public interest in disclosure. The Commissioner requires no steps to be taken. Information Tribunal appeal number EA/2009/0092 has been dismissed.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld

[View a PDF of decision notice FER0237548 and FER0239845](#)

Mayday Healthcare NHS Trust

Case Ref: FS50225818

Date: 16/09/2009

Summary: The complainant made a request to Mayday Healthcare NHS Trust for the medical records of a deceased patient. The public authority confirmed that it did not hold some of the requested information and refused to disclose

the rest on the basis of the exemption contained in section 41 of the Act, information provided in confidence. The Commissioner has investigated the complaint and has upheld the public authority's application of section 41. He has, however, found the public authority in breach of section 1(1)(a) and section 10(1). The Commissioner requires no steps to be taken.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 41 - Complaint Not upheld

[View a PDF of decision notice FS50225818](#)

Lancashire Constabulary

Case Ref: FS50174035

Date: 14/09/2009

Summary: The complainant made a six-part request for information to Lancashire Constabulary ('the Constabulary'). The Constabulary cited section 14 of the Act and refused to provide the requested information on the grounds that the request was vexatious. The Commissioner has decided that the Constabulary was incorrect to rely on section 14 of the Act at the time of the request. However he has determined that the information sought by the complainant would, if held, constitute his personal data and therefore attract section 40(1) of the Act. The Commissioner finds that the Constabulary should have cited section 40(5) of the Act and should have neither confirmed nor denied holding the complainant's personal data. Ordinarily the Commissioner would go on to make a separate assessment under section 42 of the Data Protection Act 1998. However, because the complainant made a Subject Access Request for the same information on 18 October 2005, and he has already carried out such an assessment, he will take no further action in this matter. Information Tribunal appeal number EA/2009/0088 has been dismissed.

Section of Act/EIR & Finding: FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50174035](#)

Lancashire County Council

Case Ref: FS50204940

Date: 10/09/2009

Summary: The complainant asked Lancashire County Council ("the Council") to provide information relating to the Council's handling of information, complaints officers at the Council and the way their investigations are carried out, and information relating to complaints he had made to the Council. The Council refused one of the requests using the exclusion under section 14(2) and 14(1) and it refused the remaining requests using the exclusion under section 14(1). The Information Commissioner ("the Commissioner") investigated and decided that information relating to complaints made by the complainant represented the complainant's personal data. This information was

therefore exempt under section 40(1). Regarding the remaining requests, the Commissioner decided that the Council had correctly refused the requests on the basis that they were vexatious under section 14(1) of the Freedom of Information Act 2000 ("the FOIA"). He found that the Council had breached section 17(5). Information Tribunal appeal number EA/2009/0080 has been dismissed.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50204940](#)

Cambridgeshire Constabulary

Case Ref: FS50177654

Date: 07/09/2009

Summary: The complainant made four requests to the public authority. The Commissioner's investigation has been confined to requests (A), (C) and (D). In relation to request (A) the public authority withheld this information under section 31 and section 38 of the Act. In relation to request (C) the public authority informed the complainant that this information was exempt under section 40(2). In relation to request (D) the public authority provided some information but insisted that the other information was not held. During the Commissioner's investigation the public authority informed him that it did not hold any information in relation to request (C) and he is satisfied that no information relating to request (C) was held by the public authority at the time of the request. For request (A) the Commissioner finds that the information was correctly withheld under section 31(1)(a) and (b). The Commissioner also found that the public authority did not hold any information in relation to request (D). The Commissioner has also concluded that it would not have been reasonable to expect the public authority to have provided further advice and assistance to the applicant and therefore the public authority did not breach section 16(1). The Commissioner does not require any remedial steps to be taken in this case.

Section of Act/EIR & Finding: FOI 10 - Complaint Partly Upheld, FOI 16 - Complaint Not upheld, FOI 17 - Complaint Partly Upheld, FOI 31 - Complaint Not upheld

[View a PDF of decision notice FS50177654](#)

Ministry of Justice

Case Ref: FS50184581

Date: 07/09/2009

Summary: The complainant requested information from the Ministry of Justice concerning the Terms of Reference and responsibilities of the head of the Ministerial Correspondence Unit, and any written authority entitling members of staff to ban correspondence with members of the public. The public

authority refused to comply with the first part of the request on the grounds that it was vexatious and stated that no information was held in respect of the second part. The Commissioner's decision is that the public authority was correct in its application of section 14(1) of the Freedom of Information Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50184581](#)

Essex Police

Case Ref: FS50143930

Date: 25/08/2009

Summary: The complainant submitted several requests in a single letter for information related to the use and operation of a type of speed camera and an additional request for certain contractual information. The public authority refused to provide the information citing sections 12 and 40(1). After internal review, it provided some information caught by the scope of the requests. The Commissioner has concluded that the majority of the requests could be aggregated for the purpose of calculating the cost of compliance but that the public authority failed to justify its application of section 12(2). The Commissioner requires the public authority to confirm or deny what it holds within the scope of the complainant's aggregated requests, and either provide her with that information or explain why it is exempt. The Commissioner also identified a number of procedural shortcomings in the way the public authority handled this request, namely: sections 1(1)(b), 10(1), 16(1) and 17(1).

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 10 - Complaint Upheld, FOI 16 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50143930](#)

Weymouth and Portland Borough Council

Case Ref: FS50190964

Date: 13/08/2009

Summary: The complainant has, over several years, made a series of requests relating to the Council's interpretation of Section 177 of the Licensing Act 2003. The Council deemed the requests that are the subject of this decision notice to be vexatious and refused to comply with section 1(1) of the Freedom of Information Act ('the Act'). The Commissioner determined that the requests, in part, sought information that was likely to be environmental information. Therefore he has considered the requests under both the Act and the Environmental Information Regulations 2004 ('the EIR'). To the extent that the EIR is applicable he has found that the exception in regulation 12(4)(b) applies and that the public interest favours maintaining the exception. To the extent that the Act applies the Commissioner has concluded that the Council was correct to refuse to comply with section 1(1) on the basis of section 14(1). He has also found breaches of Regulation 14(3) of the EIR and section 17(5) of

the Act. Information Tribunal appeal number EA/2009/0078 struck out.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld, EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50190964](#)

University of Oxford

Case Ref: FS50194251

Date: 10/08/2009

Summary: The complainant requested information from the University of Oxford (the "University") concerning scientific experiments carried out on a macaque that was featured in a BBC television documentary. The University provided some information however withheld the remaining information on the grounds that it was exempt under section 38 of the Freedom of Information Act 2000 (the "Act"), and explained that to release it would be likely to endanger the health and safety of individuals. This decision was upheld at the internal review stage. During the investigation, the University disclosed some further information to the complainant. The Commissioner's decision is that the remaining disputed information is exempt from disclosure under section 38(1) (a) and (b) of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosure. The Commissioner has also recorded a number of procedural breaches of the Act. Information Tribunal appeal number EA/2009/0076 has been dismissed.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld, FOI 10 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 38 - Complaint Not upheld

[View a PDF of decision notice FS50194251](#)

Her Majestys Revenue and Customs

Case Ref: FS50207228

Date: 04/08/2009

Summary: The complainant asked to be given the gross and net values of a specified estate, calculated by reference to any corrective accounts filed by the personal representatives of that estate. Her Majesty's Revenue and Customs (HMRC) refused to confirm or deny whether it held the requested information, relying on the provisions of sections 44 (Prohibitions on disclosure) and 40 (Personal data) of the Act. HMRC reviewed its decision and determined that the request should be refused in reliance of section 14(2) (Repeated requests). HMRC asserted that the complainant's new request was for information that is 'substantially similar' to the information sought by an earlier request. It also pointed out that the Information Commissioner had already issued a Decision Notice in the previous case (FS50081722) in which he found that the information was exempt. The Commissioner has considered the submissions of both parties and has determined that HMRC's application of section 14(2) was

incorrect. However the Commissioner has determined that HMRC is not obliged to comply with section 1(1)(a) of the Act by virtue of section 44(2). The Commissioner has also decided that HMRC did not comply with section 17(5) of the Act by failing to provide a refusal notice compliant with that section within twenty working days of receipt of the request.

Section of Act/EIR & Finding: FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 44 - Complaint Upheld

[View a PDF of decision notice FS50207228](#)

Crown Prosecution Service

Case Ref: FS50194694

Date: 03/08/2009

Summary: The complainant engaged in a lengthy correspondence with the Crown Prosecution Service (CPS) from February 2005 to September 2007 as part of a complaint he was pursuing. The correspondence contained a large number of requests, made under the Freedom of Information Act 2000 (the Act), to which the CPS provided a variety of responses. The complainant continued to correspond with the CPS which then refused to answer his requests, declaring them vexatious and/or repeated under section 14(1) and section 14(2) of the Act. The complainant then made a further series of requests for information, and the CPS restated its position that his requests were vexatious. The Commissioner finds that some of the requests made by the complainant fall outside the scope of the Act and, in those cases where the Act applies, that the CPS is correct in its application of section 14(1) of the Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50194694](#)

Blidworth Parish Council

Case Ref: FS50187166

Date: 27/07/2009

Summary: Blidworth Parish Council ("the Parish Council") was asked to provide the names and addresses of everyone renting allotments on the site which the Parish Council owns adjoining Dale Lane in Blidworth. In its initial response, the Parish Council refused to provide this information, stating simply that it was "not allowed". When the Commissioner advised the Parish Council of its obligations when refusing requests, it issued a formal refusal citing section 14 of the Freedom of Information Act 2000 ("the FOIA"). Following an internal review conducted on behalf of the Parish Council by Newark and Sherwood District Council ("the District Council"), regulation 13 of the Environmental Information Regulations 2004 ("the EIR") was cited and the Parish Council refused the request on the basis that the allotment holders would not have reasonably expected personal data about them to be disclosed. The

Information Commissioner ("the Commissioner") investigated and was satisfied that the information was exempt under regulation 13(1) of the EIR. However, he found breaches of regulation 11(4) and 14(1). Information Tribunal appeal number EA/2009/0066 dismissed.

Section of Act/EIR & Finding: EIR 11 - Complaint Upheld, EIR 13 - Complaint Not upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50187166](#)

Wood Green High School

Case Ref: FS50190669

Date: 16/07/2009

Summary: The complainant made a request to the Governing Body of Wood Green High School (the "School") for information relating to the letting of School facilities. The School provided its lettings policy but refused to provide the complainant with the rest of the requested information and relied upon the provisions contained at sections 12 and 14 of the Freedom of Information Act 2000 (the "Act"). The School asserted that to comply with the request would exceed the £450 cost limit and therefore it was not obliged to do so under section 12 of the Act. The School also deemed the request vexatious under section 14(1) of the Act. Upon consideration of all of the circumstances of the case the Commissioner considers that section 12(1) was correctly engaged in this case. The Commissioner did not therefore go on to consider the School's application of section 14. The Commissioner does however consider that the School breached section 16(1) and section 17(5) of the Act in its handling of this request.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld, FOI 16 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50190669](#)

Her Majestys Revenue and Customs

Case Ref: FS50199605

Date: 09/07/2009

Summary: The complainant asked HM Revenue & Customs (HMRC) to provide him with information about the 'weeding' of his tax files. HMRC provided him with relevant information but, when HMRC denied holding more information, he complained to the Commissioner. The Commissioner found that the Council was excluded from its duty to respond to the request under section 1(1)(a) by virtue of the provisions of section 40(5)(a) because if the information were held, it would constitute the personal data of the complainant.

Section of Act/EIR & Finding: FOI 1 - Complaint Not upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50199605](#)

Brent Council

Case Ref: FS50238979

Date: 25/06/2009

Summary: The complainant made a number of requests to Brent Council for information relating to complaints against it and their outcomes as well as its expenditure. The public authority refused the request on the basis of the provisions of section 14(1) of Freedom of Information Act 2000, (the Act) stating that the request was vexatious. The Commissioner has considered the public authority's grounds for deciding that the request was vexatious and has concluded that it was correct in its application of section 14(1) of the Act. However he did find the public authority in breach of section 17(5) of the Act in failing to provide a compliant refusal notice within 20 working days of the request. Information Tribunal appeal EA/2009/0056 withdrawn.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50238979](#)

Kent Police

Case Ref: FS50210434

Date: 24/06/2009

Summary: The complainant requested the details of complaints made about two named police officers. The public authority refused to confirm or deny whether it held information falling within the scope of this request and cited the exemption provided by section 40(5)(b)(i). The Commissioner finds that confirmation or denial would disclose personal data and that the disclosure of this personal data would be in breach of the first data protection principle. The exemption provided by section 40(5)(b)(i) is, therefore, engaged and the public authority is not required to take any steps. Information Tribunal appeal number EA/2009/0057 has been dismissed.

Section of Act/EIR & Finding: FOI 17 - Complaint Upheld, FOI 40 - Complaint Not upheld

[View a PDF of decision notice FS50210434](#)

Commission for Local Administration in England

Case Ref: FS50234236

Date: 18/06/2009

Summary: The complainant made a series of freedom of information requests to various public authorities, including 48 to the Local Government Ombudsman (LGO) between July and December 2008. The LGO refused the request made on 12 December 2008 that is the subject of this decision, declaring it vexatious under section 14(1) of the Freedom of Information Act

2000 (the Act). This was because the request added to an already significant burden placed on the LGO by his series of requests and, taken in the context of the complainant's history, was having the effect of diverting staff from their primary activities. The public authority also argued that, having regard to the wider context and history of the complainant's requests, the request lacked serious purpose or value. The Commissioner has found that the authority was correct to apply section 14(1) of the Act. Information Tribunal appeal EA/2009/0050 withdrawn.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50234236](#)

Challock Parish Council

Case Ref: FS50201884

Date: 16/06/2009

Summary: The complainant requested information from Challock Parish Council ("the council") including money received since 1978 and correspondence from 1989. The council refused to provide this under section 12 as compliance would exceed the appropriate cost limit. During the course of the investigation, the council also sought to rely on the exclusion at section 14, that the request is vexatious. The Commissioner has investigated and found that the council were not obliged to comply with the request by virtue of section 12(2) therefore he has not gone on to consider whether section 14 is engaged. The Commissioner also found that the council breached the requirements of section 17(7) and section 16(1) and requires the council to contact the complainant in order to refine his request in line with its duty under section 16 to provide advice and assistance.

Section of Act/EIR & Finding: FOI 12 - Complaint Not upheld, FOI 16 - Complaint Upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50201884](#)

Department for Transport

Case Ref: FS50194514

Date: 11/06/2009

Summary: The complainant made a request to the Department for Transport (DfT) on 11 January 2008 for information which recorded the Traffic Management Team's comments sent to Rosie Winterton MP on his 2,500 word paper entitled Traffic Management. From January 2005 up until this request being made the complainant submitted a total of 67 requests to the DfT relating to issues surrounding traffic management. Taking into account correspondence leading up to the request on 11 January 2008, the DfT deemed this request vexatious under section 14(1) of the Freedom of Information Act 2000 (the "Act"). The Commissioner has considered this

request in the context and background in which it was made and has decided that the DfT applied the Act correctly in refusing to comply with the request under section 14(1) of the Act.

Section of Act/EIR & Finding: FOI 14 - Complaint Not upheld

[View a PDF of decision notice FS50194514](#)

Plymouth City Council

Case Ref: FS50148542

Date: 01/06/2009

Summary: The complainant submitted a series of requests to Plymouth City Council ("the council") stemming from the council's assessment of his benefit application and as a consequence of the responses received made several complaints to the Information Commissioner ("the Commissioner"). After an initial assessment the Commissioner considered it appropriate to investigate five of the requests. Following the investigation the Commissioner found that the council had provided sufficient evidence to correctly apply section 14(1) of the Act to refuse one request and that, in relation to the other four requests, the council committed breaches of the following procedural sections of the Act; section 1(1)(a), sections 10(1), section 17(1), section 17(1)(b), section 17(1)(c) and section 17(7). The council is required to respond fully to one request in compliance with its obligations under section 1(1) of the Act within 35 calendar days.

Section of Act/EIR & Finding: FOI 1 - Complaint Partly Upheld, FOI 10 - Complaint Upheld, FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50148542](#)

Taunton Deane Borough Council

Case Ref: FS50201096

Date: 20/05/2009

Summary: The complainant requested information from Taunton Deane Borough Council ("the Council") relating to documents leading to a claim made in an email that smoke detectors were required in bedrooms at a particular address. The Council refused to comply with the request on the grounds that it considered it to be vexatious under section 14 of the Freedom of Information Act 2000 ("the Act"). The Commissioner investigated and found that the Council had provided sufficient evidence for section 14(1) of the Act to be engaged. However, the Commissioner found that the Council breached section 10(1) of the Act for not responding within the statutory time limit and that the refusal notice issued by the Council was inadequate and in breach of section 17(5) and section 17(7). The Council is not required to take any further steps in respect of this complaint.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

Buckinghamshire County Council

Case Ref: FS50165274

Date: 18/05/2009

Summary: The complainants requested statistical information about the operation of the 11+ system in Buckinghamshire schools. The Council provided some information but refused to provide certain other information on cost grounds (an implicit reference to section 12). It also refused other information on the grounds that it was third party personal information, the release of which would contravene the Data Protection Act (the exemption under section 40(2) of the Act, although not specifically cited by the Council). The Commissioner decided that the Council was entitled to rely on section 12 to withhold the requested information. However, he found that the Council was incorrect to rely on section 40(2) and had committed a number of procedural errors, and was in breach of sections 1(1)(b), 10(1), and 17(1),(5) and (7) of the Act.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 12 - Complaint Not upheld, FOI 40 - Complaint Upheld

[View a PDF of decision notice FS50165274](#)

Foyle and Londonderry College

Case Ref: FS50222404

Date: 06/05/2009

Summary: In 2003, the college attended by the complainant's son did not award him its college fencing colours award. This prompted the complainant to request the criteria for the award of fencing colours. This request was refused as the public authority did not hold the information. When the complainant proved that in fact the criteria were held by the college fencing club, this became the subject of a separate investigation. When this was dismissed, the complainant referred the case to the Assistant Commissioner for Northern Ireland and then the Deputy Commissioner. Both upheld the finding that the college did not hold the fencing colours criteria. Two other related complaints were also dismissed by the Commissioner. One regarded a letter regarding fencing colours which had been written a year earlier. The other regarded a request as to why the college did not hold this information. Both were deemed to be outside the scope of the Act. This Decision Notice considers a repeated request for the published criteria used by the college in the awarding of fencing colours. This was made with a request for information which asked for all documents relating to fencing in the college and documented evidence showing how subscriptions invested by fencing parents had been maximised by the school. The college has refused this request on the grounds that it is vexatious. The Commissioner has upheld the public authority's refusal to comply with the

request under section 14(1) of the Act. Information Tribunal appeal number EA/2009/0043 dismissed.

Section of Act/EIR & Finding: FOI 10 - Complaint Upheld, FOI 14 - Complaint Not upheld, FOI 17 - Complaint Upheld

[View a PDF of decision notice FS50222404](#)

University of Oxford

Case Ref: FS50160902

Date: 31/03/2009

Summary: The complainant requested information held by several Universities, including Oxford University (the “public authority”) in relation to research it may have undertaken or be undertaking with primates. This included numbers and species of primates used in previous returns already provided to the Home Office along with a summary of any current research and the species being used. The public authority originally withheld the information under section 38 (health & safety) of the Freedom of Information Act 2000 (the “Act”). During the Commissioner’s investigation it later varied this to also include section 14 (vexatious or repeated requests), section 40 (personal information) and section 43 (commercial interests). The public authority subsequently withdrew its reliance on sections 14 and 40(2). Following a partial disclosure during the course of his investigation, the Commissioner finds that the second part of the request was met in full. In respect of the first part of the request the Commissioner finds that sections 38 and 43(2) are not engaged. The complaint is therefore partially upheld. The Commissioner further finds that the public authority breached sections 1(1)(b), 10(1) and 17(1)(a)(b) & (c).

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 10 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 38 - Complaint Partly Upheld, FOI 43 - Complaint Partly Upheld

[View a PDF of decision notice FS50160902](#)

Higher Education Funding Council for England

Case Ref: FS50188864

Date: 31/03/2009

Summary: The complainant made a request for a number of pieces of information to the Higher Education Funding Council for England (the “HEFCE”). These requests related to the state of buildings on Universities’ estates; their functional suitability; the cost of reconditioning these buildings; and the size of each University’s estate. The HEFCE stated that it believed that this information was exempt from disclosure under section 41. After investigating the case the Commissioner decided that section 41 was not engaged, and the information should be disclosed. In failing to provide the information within 20 working days the HEFCE also acted in breach of section 10(1). Information Tribunal appeal number EA/2009/0036 dismissed.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 10 - Complaint Upheld, FOI 41 - Complaint Upheld

[View a PDF of decision notice FS50188864](#)

Forestry Commission Scotland

Case Ref: FS50176942

Date: 30/03/2009

Summary: The complainant made four requests for information to the Forestry Commission Scotland (FCS). The FCS refused to confirm or deny if the information was held or to disclose the information citing section 14 of the Act 'vexatious requests' and 12 'cost limit'. The FCS refused to disclose the information citing section 14 of the Act 'vexatious requests' and 12 'cost limit'. The Commissioner has investigated and found that sections 14(1) and 12(1) of the Act are not engaged. However he found that some of the information requested would, if held be environmental information and should have been considered under the Environmental Information Regulations. The FCS applied regulation 12(4) (b), 'manifestly unreasonable', to this request as an alternative. The Commissioner concluded that 12(4) (b) was not engaged. The Commissioner requires that the FCS now confirm or deny to the complainant if the information requested is held and if held disclose this information to the complainant or issue the complainant with a valid refusal notice under section 17(1) of the Act or regulation 14 of the EIR. The FCS must take these steps within 35 calendar days of this notice.

Section of Act/EIR & Finding: FOI 12 - Complaint Partly Upheld, FOI 14 - Complaint Partly Upheld, FOI 17 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 12.4.b - Complaint Partly Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50176942](#)

Forestry Commission Scotland

Case Ref: FS50187763

Date: 30/03/2009

Summary: The complainant requested information from the Forestry Commission Scotland (FCS) in relation to the provision of Mountain Biking Trails in the Carron Valley. The FCS refused to disclose the information or to confirm or deny if the information is held, citing section 14 of the Act 'vexatious requests' and 12 'cost limit'. The Commissioner has investigated and found that sections 14(1) and 12(1) of the Act are not engaged. However he found that some of the information requested would, if held be environmental information and should have been considered under the Environmental Information Regulations. The FCS applied regulation 12(4) (b), 'manifestly unreasonable', to this request as an alternative. The Commissioner concluded that 12(4) (b) was not engaged. The Commissioner requires that the FCS now

confirm or deny to the complainant if the information requested is held and if held disclose this information to the complainant or issue the complainant with a valid refusal notice under section 17(1) of the Act or regulation 14 of the EIR. The FCS must take these steps within 35 calendar days of this notice.

Section of Act/EIR & Finding: FOI 12 - Complaint Partly Upheld, FOI 14 - Complaint Partly Upheld, FOI 17 - Complaint Upheld, EIR 12.4.b - Complaint Partly Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Partly Upheld
[View a PDF of decision notice FS50187763](#)

Forestry Commission Scotland

Case Ref: FS50190235

Date: 30/03/2009

Summary: The complainant made a request for information to the Forestry Commission Scotland (FCS). The FCS refused to disclose the information, or to confirm if the information requested was held citing section 14(1) of the Act 'vexatious requests' and 12(1) 'cost limit'. The Commissioner has investigated and found that sections 14(1) and 12(1) of the Act are not engaged. The Commissioner requires that the FCS now confirm or deny to the complainant if the information requested is held and if held disclose this information to the complainant or issue the complainant with a valid refusal notice under section 17(1) of the Act. The Commissioner also found that in failing to issue the complainant with a refusal notice the FCS breached the requirements of section 17(1). The FCS must take these steps within 35 calendar days of this notice.

Section of Act/EIR & Finding: FOI 12 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld
[View a PDF of decision notice FS50190235](#)

Forestry Commission Scotland

Case Ref: FS50176016

Date: 30/03/2009

Summary: The complainant made two requests for information to the Forestry Commission Scotland (FCS). The FCS refused to disclose the information or to confirm or deny if the information is held citing section 14 of the Act 'vexatious requests' and 12 'costs limit'. The Commissioner has investigated and found that sections 14(1) and 12(1) of the Act are not engaged. However he found that some of the information requested would, if held be environmental information and should have been considered under the Environmental Information Regulations. The FCS applied regulation 12(4) (b), 'manifestly unreasonable', to this request as an alternative. The Commissioner concluded that 12(4) (b) was not engaged. The Commissioner requires that the FCS now confirm or deny to the complainant if the information requested is held and if held disclose this information to the complainant or issue the complainant with

a valid refusal notice under section 17(1) of the Act or regulation 14 of the EIR. The FCS must take these steps within 35 calendar days of this notice.

Section of Act/EIR & Finding: FOI 12 - Complaint Upheld, FOI 14 - Complaint Upheld, FOI 17 - Complaint Upheld, EIR 5 - Complaint Upheld, EIR 12.4.b - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

[View a PDF of decision notice FS50176016](#)

Her Majestys Courts Service

Case Ref: FS50155868

Date: 25/03/2009

Summary: The complainant was the subject of a civil proceedings order issued under section 42 of the Supreme Court Act 1981. The complainant asked the public authority for a letter about him which was sent by the judges to the Attorney General's Office after his court case that initiated this order. The public authority did not initially issue a valid refusal notice and did not address his request correctly. The complainant therefore contacted the Commissioner at this point to complain about the public authority's failure to provide an adequate response. Following the Commissioner's intervention the public authority informed the complainant that it did not need to confirm or deny that the information was held and that it was exempt from disclosure under section 32(1)(c) of the Act (Court Records). The complainant contacted the Commissioner again to complain about one specific element of his request. The Commissioner has concluded that if this information was held it would be the personal information of the complainant and therefore exempt under section 40(1) of the Act (Personal Data). The public authority was therefore not obliged to confirm or deny whether it held the requested information by virtue of section 40(5)(a) of the Act. The Commissioner considers that the public authority should have treated the request as a subject access request under section 7 of the Data Protection Act 1998 (DPA). The Commissioner has also decided that the public authority breached section 17(1)(a), 17(1)(b), 17(1)(c) and 17(7) of the Act in relation to the manner in which it initially handled both his requests.

Section of Act/EIR & Finding: FOI 17 - Complaint Upheld, FOI 40 - Complaint Not upheld

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Northern Lincolnshire and Goole Hospitals NHS Trust

Case Ref: FS50158446

Date: 05/03/2009

Summary: The complainant made a number of requests in relation to 32

patients who were under the care of the public authority in 2004/2005. After considering the case, the Commissioner found the public authority had incorrectly confirmed that some of the information was held in breach of section 1(1)(a). The Commissioner also found that some of the limited information which could have been disclosed as a result was in any event correctly withheld by virtue of the provisions of section 12(2). The Commissioner did however find the public authority in breach of sections 17(1)(a), (b), and (c) and 17(5) of the Act. In respect of specific parts of the requests, the Commissioner also found that the exemptions at sections 40(1) and (5)(a) should have been applied by virtue of the fact that any information in relation to these requests if held by the public authority would constitute the complainant's personal data.

Section of Act/EIR & Finding: FOI 1 - Complaint Upheld, FOI 17 - Complaint Upheld, FOI 40 - Complaint Not upheld

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Environment Agency

Case Ref: FER0230659

Date: 17/02/2009

Summary: The complainant wrote to the Environment Agency to request information regarding the Hendon Sewage Treatment Works. The Environment Agency refused the request under section 14 of the Freedom of Information Act 2000 on the grounds that it was vexatious. The complainant subsequently complained to the Commissioner who found that the request was for environmental information and therefore should have been administered under the Environmental Information Regulations 2004 (EIR). The Commissioner has investigated the complaint and found that the public authority was not obliged to comply with the request as it was manifestly unreasonable under regulation 12(4)(b). By failing to deal with the request under the EIR the public authority breached regulation 14(2) and 14(3) but the Commissioner requires no steps to be taken. Information Tribunal appeal number EA/2009/0018 dismissed.

Section of Act/EIR & Finding: EIR 12.4.b - Complaint Not upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld, EIR 14 - Complaint Upheld

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