



Date: 04/08/2020

Our Reference: FOIA-2020-0066

RE: Freedom of Information Act 2000 Request

I write in response to your Freedom of Information Act 2000 (or 'FoIA 2000') request dated **09/06/20**. I note from your request that you seek the following information:

"College of Policing Board (most recent ones on website are from September 2019

Members' Committee (most recent ones on website are from June 2018)

Professional Committee (most recent ones on website are from August 2018)"

Decision

Your request is being treated as over burdensome to the organisation, by virtue of S14(1) of the Freedom of Information 2000 Act.

The right of access to information is not without exception and is subject to a number of exemptions and other provisions under the Act, including Section 14(1) which provides:

Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.

In ICO Decision Notice FS50493150, the ICO clarifies the term vexatious is not defined in the FOI Act. The Upper Tribunal considered the issue of vexatious requests in the case of the Information Commissioner V Devon CC & Dransfield. The Tribunal commented that vexatious could be defined as the 'manifestly unjustified, in appropriate or improper use of a formal procedure'. The Tribunal's definition clearly establishes that the concepts of proportionality and justification are relevant to any consideration of whether a request is vexatious.

After careful examination of your request, this request is deemed vexatious by virtue of S14(1). There is no public interest test.

The Information Commissioner's Office (ICO) has provided guidance on dealing with vexatious requests and states *'The Freedom of Information Act was designed to give individuals a greater right of access to*

official information with the intention of making public bodies more transparent and accountable. Whilst most people exercise this right responsibly, a few may misuse or abuse the Act by submitting requests which are intended to be annoying or disruptive or which have a disproportionate impact on a public authority.’ The ICO further recognises that ‘dealing with unreasonable requests can place a strain on resources and get in the way of delivering mainstream services or answering legitimate requests. Furthermore, these requests can also damage the reputation of the legislation itself.

ICO guidance reminds public authorities that S14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress. The ICO also states the emphasis on protecting public authorities’ resources from unreasonable requests was acknowledged by the Upper Tribunal when it defined the purpose of S14 as:

‘section 14... is concerned with the nature of the request and has the effect of disapplying the citizen’s right under section 1(1)...the purpose of section 14...must be to protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use of FOIA’

To assist public authorities the ICO guidance has provided a number of indicators as typical key features of a vexatious request, these are:

Burden on the authority

- Disproportionate effort
- Abusive or aggressive language
- Personal grudges
- Unreasonable persistence
- Unfounded accusations
- Intransigence
- Frequent or overlapping requests
- Deliberate intention to cause annoyance
- Scattergun approach
- No obvious intent to obtain information
- Futile requests
- Frivolous requests

Having reviewed your request, I have determined that the following two factors are relevant in deeming your request vexatious:

- Burden on the authority

- Disproportionate effort

Although I appreciate that you believe there to be serious purpose and value behind your request, I must consider whether the impact on the College of Policing is justified.

To provide you with the information requested would involve extensive reading and potential redaction of over approximately 600 pages, additional organisational responses and transcripts. To determine what information can be discounted, as having already been reviewed, would require the creation of information by way of a spreadsheet. The creation of this document alone would take an extraordinary amount of logging before any assessment of the information can begin. It is estimated after initial considerations, conservatively, that to process all of the information retrieved would take well beyond the extended time.

In coming to this conclusion, I have considered the Information Commissioner's published guidance, 'dealing with vexatious requests (S14), particularly taking into account the volume of information to be considered for redaction and the resulting burden to the College of Policing in reviewing and preparing the information for possible disclosure.

I would like to stress that I am not alleging that you deliberately made your request burdensome, or drafted it with the intent of making it otherwise overwhelming or oppressive. It is the simple fact that the request cannot be answered, and the College of Policing cannot reasonably comply with its obligations under S1(1) of the Act without incurring significant encumbrance and impact on its day-to-day activities.

Although you may be disappointed by this approach, I would stress that such protection exist within the legislation in order to ensure that applicants use their rights to seek information responsibly and public authorities are not overwhelmed by over burdensome requests.

May I take this opportunity to thank you for your interest in the College of Policing. Your attention is drawn to Appendix A.

Yours sincerely,

James Rose | Legal Advisor
College of Policing

Email: FOI@college.pnn.police.uk

Website: www.college.police.uk

Appendix A

Rights

If you are dissatisfied with the handling procedures or our decision made under the Freedom of Information Act 2000 (the Act) regarding access to information you have a right to request an internal review by the College of Policing.

Internal review requests should be made in writing, within **forty (40) working days** from the date of the refusal notice and should be addressed to: FOI team, Central House, Beckwith Knowle, Otley Road, Harrogate, North Yorkshire, HG3 1UF or via email: FOI@college.pnn.police.uk

The College of Policing will aim to respond to your request for internal review within **20 working days**.

The Information Commissioner

If, after lodging a review request you are still dissatisfied with the decision you may make an application to the Information Commissioner's Office (ICO) for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at <https://ico.org.uk/for-the-public/official-information/>.

Alternatively you can write to the ICO:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

