

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 August 2022

Public Authority: Office of the Advocate General for Scotland
Address: Queen Elizabeth House
Edinburgh
EH8 8FT

Decision (including any steps ordered)

1. The complainant has requested from the Office of the Advocate General for Scotland ('OAGS') copies of all diary entries for the Advocate General for the period 1 January 2021 to 30 June 2021. OAGS refused the request under section 14 of FOIA, on the grounds that it was vexatious, due to burden.
2. The Commissioner's decision is that OAGS was entitled to rely on section 14 of FOIA to refuse to comply with the request. He also finds that it complied with section 16 (Duty to provide advice and assistance) of FOIA.
3. The Commissioner requires no steps as a result of this decision.

Request and response

4. On 19 July 2021, the complainant wrote to OAGS and requested information in the following terms:

"I should be grateful if, pursuant to the provisions of the Freedom of Information Act 2000, the Office of the Advocate General for Scotland would provide the full content of all entries in the diary for the Advocate General for the period 1 January 2021 until 30 June 2021."
5. OAGS responded on 17 August 2021, refusing the request on the grounds that it was vexatious within the meaning at section 14(1) of

FOIA. It said the request covered a lengthy period, had no clear purpose, appeared to be a 'fishing expedition' and that compliance with it would cause unwarranted and disproportionate disruption to its work.

6. The complainant requested an internal review on 20 August 2021, declining to give his reasons for making the request. He argued that the request would not be overly burdensome to comply with and that disclosure would serve the public interest in transparency in public life. He noted that OAGS had not suggested how he might refine or reduce the scope of his request in order to reduce the workload involved in complying with it.
7. OAGS responded on 16 September 2021, upholding its decision to refuse the request under section 14:

"The request covers a significantly long period of time and the diary will contain high volumes of information for extraction and consideration against exemptions. There are health and safety, GDPR and national security considerations to be weighed alongside the request. You have indicated that you do not intend to provide any context for your request to allow me to consider all the relevant circumstances, as I am required to do. You have indicated that you do not consider your request to be a "fishing expedition", but I am unable to judge that objectively. In addition, you have said that your request is not fairly categorised as a broad request relying on "pot luck". Once again I cannot judge that objectively without context.

If you wish to reconsider and provide context for your request then I would be happy to undertake a further review, armed with the context of the request.

As part of this review, a sampling exercise has been carried out, and I am satisfied that without further specification the exercise would entail a disproportionate or unjustified level of disruption and so the information is exempt under section 14 of FOIA."

Scope of the case

8. The complainant contacted the Commissioner on 17 September 2021 to complain about the way his request for information had been handled. He disagreed with the decision to categorise his request as vexatious. He argued that FOIA was 'motive-blind' and that his reasons for requiring the information were not relevant to any consideration of the request's value.

9. The analysis below considers whether OAGS was entitled to rely on section 14 of FOIA to refuse the request. The Commissioner has also considered its compliance with section 16 of FOIA.
10. The Commissioner has viewed a sample of the information under consideration.

Reasons for decision

Section 14 – vexatious request

11. Section 1(1) of FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
12. However, section 14(1) of FOIA states:

“Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious”.
13. Section 14(1) of FOIA 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 Commissioner recognises that dealing with unreasonable requests can strain resources and have a disproportionate impact on a public authority.
14. Having said that, FOIA gives individuals a greater right of access to official information in order to make bodies more transparent and accountable. As such, it is an important constitutional right and engaging section 14(1) to refuse a request is, rightfully, a high hurdle.
15. Most people exercise their right of access responsibly. However, a few may submit requests which are intended to be annoying or disruptive, or which have a disproportionate impact on a public authority.
16. In his published guidance on dealing with vexatious requests¹, the Commissioner considers the key question a public authority must ask itself is whether compliance with a request is likely to cause it a disproportionate or unjustified level of disruption, irritation or distress.

¹ <https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/dealing-with-vexatious-requests-section-14/>

17. In that respect, his guidance advises public authorities that:

“A useful starting point is to assess the value or purpose of the request before you look at the impact handling the request would have on you”.

18. The emphasis on protecting public authorities' resources from unreasonable requests was acknowledged by the Upper Tribunal in the leading case on section 14(1), *Information Commissioner vs Devon County Council & Dransfield* [2012] UKUT 440 (ACC), (28 January 2013)².

19. In the *Dransfield* case, the Upper Tribunal found it instructive to assess the question of whether a request is truly vexatious by considering four broad issues:

(1) the burden imposed by the request (on the public authority and its staff);

(2) the motive of the requester;

(3) the value or serious purpose of the request; and,

(4) harassment or distress of and to staff.

20. The Upper Tribunal cautioned that these considerations were not meant to be exhaustive. It emphasised that:

“...all the circumstances need to be considered in reaching what is ultimately a value judgement as to whether the request in issue is vexatious in the sense of being a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA” (paragraph 82).

The complainant's position

21. The complainant rejected the labelling of his request as 'vexatious'. He considered that OAGS had applied the wrong legal tests when reaching its decision and that it had invited comment on matters that were irrelevant. He regarded OAGS's invitation in the internal review, for him to provide further clarity, to be “an inappropriate attempt by the OAGS to have a further 'bite at the cherry'”.

² <https://administrativeappeals.decisions.tribunals.gov.uk/Aspx/view.aspx?id=3680>

22. He argued that the request clearly pursued a genuine line of enquiry, there being “an inherent public interest in the activities of senior government ministers”. He believed that it did not specify an unreasonably lengthy period of time or involve voluminous information. He did not believe it would be necessary for OAGS to spend considerable time considering exemptions and redactions. As to his reasons for making the request, he told OAG:

“I did not give any indication in my request for information as to the motive of my request, or the value that the information may have to me personally. I do not propose to do so here either. That is because, adopting the approach of Lord Brodie in *Beggs*³ and the approach of Arden LJ in *Dransfield*, this is of only limited assistance as the correct approach is an objective one. Any personal value that I believe I have in the information requested can only be subjective and would ignore the objective nature of the test. I can only really point to the value that flows from the inherent public interest.”

23. He reiterated to the Commissioner that his personal motives for requiring the information were irrelevant to the determination of whether or not section 14 was correctly engaged (although he did state that the request was not made in pursuit of any grievance against OAGS). He believed that the request should be considered objectively, on its own merits, and that an assessment as to its value could be reached on those grounds.

OAGS's position

24. OAGS said that the request was vexatious because compliance with it would cause disproportionate and unjustified levels of disruption, relative to the value of the information requested. It referred the Commissioner to the Upper Tribunal's comments in *Cabinet Office vs Information Commissioner and Ashton* [2018] UKUT 208 (AAC)⁴:

“In some cases, the burden of complying with the request will be sufficient, in itself, to justify characterising that request as vexatious, and such a conclusion is not precluded if there is a clear public interest in the information requested. Rather, the public interest in the subject matter of a request is a consideration that itself needs to be balanced against the resource implications of the request, and any

³ *Beggs v Scottish Information Commissioner* 2019 SC 247; [2018] CSIH 80

⁴ https://assets.publishing.service.gov.uk/media/5b57139a40f0b6339963e8cf/GIA_2782_2017-00.pdf

other relevant factors, in a holistic determination of whether a request is vexatious.”

25. OAGS explained that the amount of time required to extract, review and prepare the information for disclosure would impose a grossly oppressive burden on it. Regarding the work involved, it said it had considered if the cost of compliance with the request would exceed the limit set at section 12 of FOIA (the upper limit for central government departments being £600, or 24 hours work) but had concluded that the likely time required to isolate and extract the relevant information would be around 16 hours. However, it would then be necessary to consider the extent to which exemptions applied, and, if so, what redactions were required.

26. OAGS provided the Commissioner with details of a sampling exercise it had undertaken in order to estimate the overall timescale for the work. Diary entries for the Advocate General for the 1 – 7 January 2021 and 8 - 12 February 2021 were extracted. The January entries covered four A4 pages and it took 24 minutes to extract them. February entries covered 12 A4 pages and took around 50 minutes to extract. OAGS commented:

“11. From these two samples, it can be seen that the suggestion in the complainant’s review request that material produced in response to this request would not be voluminous is wide of the mark. Averaging out the length of the 2 extracts would suggest that 7 pages a week would be the norm, so a total of 182 pages for 26 weeks - a substantial volume of information. Averaging out the 2 extraction times one would come to an extraction time of 37 minutes per week. On this basis, extraction alone of the 26 weeks requested would take 16 hours 2 minutes.”

27. OAGS then detailed the work that would be involved in considering whether the entries contained exempt material:

“12. It would then be necessary to assess, with respect to each page of entries, what information requires to be redacted under the s40 FOIA personal information exemption, the s38 Health and Safety exemption (for example the Advocate General’s travel details as they might disclose a pattern enabling the Advocate General to be targeted), the s24 National Security exemption (as the Advocate General regularly attends security briefings and other sensitive meetings) and (given the Advocate General is a Law Officer) the s35(1)(c) exemption for information relating to the provision of advice by the Law Officers or any request for the provision of such advice.

13. The process of considering entries against the s40(2) personal information exemption for third party data is expected to be particularly burdensome because of the sheer number of names and

email addresses scattered throughout the diary entries (as can be seen from the 2 samples). The sample week of the diary extracted in January contains in excess of 100 email addresses most of them personal and disclosing the names of the attendees. The sample week from the diary extracted in February contains 62 separate email addresses and in many cases the names of the individuals separately. Given this, every diary entry would need to be checked for the presence of names and email addresses which required to be assessed for redaction.

14. According to ICO guidance on section 40(2), OAG would first need to satisfy themselves that none of the data was special category data under the GDPR (e.g. any medical appointments of either the Minister or his staff), and they would then need to consider if there was a lawful basis for disclosure of the personal data. Section 40(8) of FOIA provides that for the purposes of considering disclosure, a public authority may consider if there is a legitimate interest in the disclosure of the information, for example the general requirement for transparency in public life.

15. It is thought that there would be a legitimate interest in disclosure of many names (for example of fellow Ministers and members of the Commons and Lords), but that this would need to be balanced [sic] against any harm or distress which disclosure might cause. The legitimate expectations of the individuals involved would also have to be considered, and it is thought in the case of junior civil servants the balance would favour non-disclosure. The names of any non-Parliamentarians would also have to be considered carefully. Given this, third party engagement prior to disclosure will be necessary in many cases; a) to identify junior civil servants and others whose names can be redacted, b) to either seek the consent of Ministers/Parliamentarians/Senior Civil Servants to releasing their names or consult with them about releasing their details to see if there are any countervailing reasons for not doing so.

16. Considering the material against the other three exemptions would also take time. Whilst the Advocate General's travel details are likely to be the main issue to be considered against the s38 Health and Safety exemption as they might disclose a pattern enabling the Advocate General to be targeted, the location of regular "in person" meetings would also have to be considered as the information might enable attendees to be targeted. Neither this nor the s24 National Security exemption nor the Law Officer advice exemption at s35(1)(c) are absolute exemptions, so in each case the public interest in maintaining the exemption would have to be weighed against the public interest in disclosing the information."

28. OAGS then provided details about its available resources:

“17. When assessing the burden of compliance, the First-tier Tribunal has taken account of the size of the public authority⁵. The Private Office of the Office of the Advocate General is a small team, with a full complement of three, the private secretary, the assistant private secretary and the diary manager. (The Office of the Advocate General is one of smallest UK government departments with 55 members of staff in July 2021). The diary manager has been on extended leave of absence since 6 August 2021, leaving the private office short staffed and without the person with the best knowledge of the information requested. Given this, business support staff unfamiliar with the diary would have to be taken away from their everyday duties and assigned to the task of extraction and redaction of the information. Not only would this disrupt the wider work of the office, but anyone assigned to this task would require considerable supervision and direction from the Private Secretary and his assistant, so the work of Private Office would be disrupted.

18. The exercise would very likely be spread over a number of weeks taking into account the need to chase responses and deal with follow up questions. The Private Secretary estimates that the process of assessing all the estimated 182 pages of entries for redaction against the four exemptions, where necessary contacting third parties, and then, depending on the responses received, redacting them, would take 15-30 hours, and quite possibly longer given its open ended nature. Coupled with the estimate of 16 hours to extract the information, this means that OAG estimate that 31-46 hours work, possibly more, would be needed to comply with the request.”

29. Describing the request as wide ranging and unfocussed, OAGS said it was unable to identify any significant value or serious purpose behind it capable of justifying the burden that would be imposed on it if it were to comply with the request. OAGS argued that, in the absence of clarifying information from the complainant, the request appeared to be a ‘fishing expedition’ – that is, a speculative approach for information.

30. OAGS disagreed with the complainant’s assertion that his motive for making the request was irrelevant:

“Whilst the test is an objective one, the requester’s motive may well be a relevant factor to be weighed in that test in assessing whether the request is vexatious. As was observed by the Upper Tribunal in *Information Commissioner v Devon County Council & Dransfield* at para 34:

⁵ Rod Cooke v Information Commissioner EA/2018/0028

'the motive of the requester may well be a relevant and indeed significant factor in assessing whether the request itself is vexatious. The FOIA mantra is that the Act is both "motive blind" and "applicant blind". There is, for example, no need to provide any reason for making a request for information under section 1; nor are there any qualifying requirements as regards either the identity or personal characteristics of the requester. However, the proper application of section 14 cannot side-step the question of the underlying rationale or justification for the request.'"

31. OAGS noted that its internal review response invited the complainant to provide further context for his request, saying it would review the matter again if such information was provided. It suggested that, if the complainant had a genuine interest in particular activities of the Advocate General in the six month period of his request, rather than make a complaint to the Commissioner at that point, he could have taken the opportunity to refine his request by providing further specification. Alternatively, he could have provided some context for why it was important for him to receive the full six months worth of entries (for example, to inform an academic study he was undertaking, or an article he was writing).
32. OAGS suggested that the complainant's refusal to provide any context for, or refinement of, his request, pointed to much of the requested information being of limited value, even to him. Moreover, OAGS opined that in light of his refusal to provide information which may have resulted in a disclosure of at least some information, the true purpose of the request might lie more with testing the limits of section 14 of FOIA, than with obtaining the requested information.

The Commissioner's decision

33. The Commissioner's guidance on section 14 considers that the key question a public authority must ask itself is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress.
34. When considering this issue, the Upper Tribunal in Dransfield asked itself: "Does the request have a value or serious purpose in terms of there being an objective public interest in the information sought?" (paragraph 38).

Consideration of the value or serious purpose of the request

35. The complainant believes that the request serves the objective public interest in transparency in public life. OAGS has argued that the request is unfocused, and that in the absence of clarifying information from the complainant, it appears to be a 'fishing expedition'.

36. Whilst a request may appear unfocused, it cannot be categorised as speculative or a 'fishing expedition' if the requester is genuinely trying to obtain information about a particular issue. In this situation, any clarifying information the requester can provide as to the purpose their request serves will inform any decisions around this point.
37. The complainant has denied that the request is speculative, but he has declined to give any further information which might inform the Commissioner's understanding of its value.
38. Even so, speculative requests, which 'fish' for information, are not, in themselves, vexatious requests unless accompanied by other aggravating factors. Such factors might include:
 - imposing a burden by obliging a public authority to sift through a substantial volume of information to isolate and extract the relevant details;
 - encompassing information which is only of limited value because of the wide scope of the request; or
 - creating a burden by requiring a public authority to spend a considerable amount of time considering any exemptions and redactions.
39. A public authority may take these factors into consideration when weighing the impact of the request against its value and purpose.
40. In his guidance on section 14, the Commissioner recognises:

"The public interest can encompass a wide range of values and principles relating to what is in the best interests of society, including, but not limited to:

 - holding public authorities to account for their performance;
 - understanding their decisions;
 - transparency; and
 - ensuring justice."
41. The requested information comprises six months of daily diary entries for the Advocate General for Scotland, a senior law officer of the Crown. The extracts that the Commissioner has viewed include information on meeting arrangements (including their subject), House of Lords commitments, contact details and attendees. They also include information on travel, medical appointments and work from home arrangements for named staff.

42. The Commissioner is satisfied that the extracts contain information which is very likely to engage the exemptions at sections 24, 35 and 40 of FOIA and that it would be necessary for further work to be done to consider their engagement and the inherent public interest balancing tests (or, in the case of section 40, the rights and reasonable expectations of the data subjects against the legitimate interests served by the request) to determine the extent to which information may be disclosed.
43. The Commissioner is satisfied that, in general, disclosing information about the appointments and work of senior government officials would serve the public interest in there being transparency in public life. Access to information helps the public to hold public authorities accountable for their actions and allows public debate to be better informed and more productive. He is satisfied that the request has a reasonable foundation on that basis.
44. However, the Commissioner has been unable to determine whether disclosure would serve any wider interests beyond this; the content of the information he has seen does not immediately suggest any particular benefit that might flow from the information being disclosed. As each entry is created in advance of the event it describes, it does not, for example, include details of any discussions had or of decisions taken.
45. On that point, the Commissioner notes that the Upper Tribunal in Dransfield stated:

“public authorities should be wary of jumping to conclusions about there being a lack of any value or serious purpose behind a request simply because it is not immediately self-evident.”
46. It is clear from the Upper Tribunal’s findings in Dransfield that when considering value and serious purpose, it is whether there is a **public** interest in the information being disclosed which is being assessed. The complainant has cited this as grounds for declining to provide his own, private interest in the information.
47. However, a requester’s private interest in the information will carry weight if they coincide with a wider public interest, and so, contrary to the complainant’s assertion, they might be relevant. A requester might also be able to provide other, contextualising information which demonstrates a request’s value, where this is not self-evident.
48. Where a public authority believes section 14 is engaged because a request has no discernible value or serious purpose, the Commissioner’s guidance states:

“If your refusal notice questions the value or purpose of the request, the requester will then be able to identify the value of their request, if they seek an internal review. This will help inform your final decision on whether section 14(1) applies.”

49. In this case, OAGS’s refusal notice took this approach, and its internal review response explicitly invited the complainant to explain the value of the request. However, the complainant has declined to do so, saying only that the request should be viewed objectively, with proper weight accorded to the public interest in there being transparency in public life.
50. The Commissioner has explained to the complainant that it might strengthen his position to provide his reasons for requiring the information, but he has declined to do so. The Commissioner therefore does not know to what extent any private interest the complainant has in the requested information, coincides with a wider public interest. Nor is he aware of any value or serious purpose which underpins the request, beyond the general principle that public authorities should be open and transparent when asked for information under FOIA.
51. Whilst acknowledging that FOIA does not require a requester to give their reasons for making a request, the Commissioner considers that the complainant could have provided contextualising information which would give a fuller picture of the benefit that would flow from disclosing the information. That he has declined to do so reduces the value and serious purpose of the request.

Consideration of negative impact of compliance

52. Just because there is a value or serious purpose to the request, this does not rule out the possibility of it being vexatious. It is necessary to weigh that value or serious purpose against the factors which suggest that the request is vexatious. In this case, OAGS says that it is the burden that compliance with the request would impose on it which makes it vexatious.
53. When considering the amount of work that would be involved in dealing with a request and whether it would impose an unreasonable burden, account should be taken of the level of resources that a public authority has at its disposal.
54. OAGS has explained that it is a small department. The person with particular knowledge of the diary was on extended leave at the time of the request and so other staff, with less familiarity with it, would have been called upon to oversee the extraction and assessment of information. OAGS says that the breadth of the request is likely to involve a level of work which would be burdensome to it.

55. In the absence of other aggravating factors, a single request, taken in isolation, may be vexatious solely on the grounds of burden. That is, where complying with the request would place a grossly oppressive burden on a public authority's resources which outweighs any value or serious purpose the request may have.

56. The issue was considered in Independent Police Complaints Commissioner vs The Information Commissioner (EA/2011/0222, 29 March 2012)⁶. The Tribunal found that:

"A request may be so grossly oppressive in terms of the resources and time demanded by compliance as to be vexatious, regardless of the intentions or bona fides of the requester. If so, it is not prevented from being vexatious just because the authority could have relied instead on s.12 [section 12 of the FOIA]." (paragraph 15).

57. Therefore, it is clearly possible for section 14 to be applied where the sole ground for considering a single request to be vexatious is the burden it imposes. Consideration under section 14 means that there is no predetermined cost above which any request becomes vexatious. Rather, a public authority must demonstrate that the amount of time and work required to review and prepare the information for disclosure would impose a grossly oppressive burden on it.

58. The Commissioner's guidance states that a viable case for applying section 14 in such circumstances is likely to be one where:

- the requester has asked for a substantial volume of information; and
- the public authority has real concerns about it containing potentially exempt information, which it is able to substantiate, if asked to do so by the ICO; and
- it cannot easily isolate any potentially exempt information because it is scattered throughout the requested material.

59. OAGS has demonstrated to the Commissioner that the requested information is more voluminous than it first appears. The Commissioner set out at paragraph 42 that he accepts the three exemptions cited by OAGS are relevant and that potentially exempt information is scattered throughout the requested material. As OAGS is a small public authority,

⁶ <https://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i725/20120329%20Decision%20EA20110222.pdf>

he is satisfied that the level of work it has described would be burdensome to it.

Balancing impact with the purpose and value of the request

60. The Commissioner has balanced the impact of handling the request against its value and purpose in order to determine whether the effect on OAGS is disproportionate. This should be judged objectively. In other words, would a reasonable person think that the value and purpose of the request are enough to justify the impact on OAGS?
61. As explained in paragraph 43, the Commissioner is satisfied that the request has a reasonable foundation, albeit he finds its value or serious purpose to be limited by the complainant declining to provide contextual information about the request. However, just because a request has value or a serious purpose, this does not rule out the possibility of it being vexatious. As the Upper Tribunal in *CP vs Information Commissioner* [2016] UKUT 0427 (ACC) 26 September 2016⁷ explained:

“It is clear from the Court of Appeal’s decision [in *Dransfield*] that the public interest in the information which in the subject of the request cannot act as a trump card so as to tip the balance against a finding of vexatiousness” (paragraph 45).
62. The Upper Tribunal in *Dransfield* speaks of the importance of a holistic approach and of taking account of all the circumstances before making a judgement on whether the value of a request justifies the impact of dealing with it. By inviting the complainant to explain the value of the request, and indicating that his response could alter its opinion, OAGS has attempted such an approach.
63. It is unfortunate that the complainant has declined to provide contextualising information about the request. It is possible that he might be able to point to some benefit which would flow from disclosure which is not apparent to the Commissioner. As it stands, the Commissioner must balance the impact OAGS has described against the request’s value in terms of providing transparency around the daily commitments of a senior law officer of the Crown.
64. While the Commissioner regards the principle of transparency for its own sake to be a positive one, in this case he is not persuaded that it is sufficient to justify the level of disruption that OAGS has described. The

⁷ https://assets.publishing.service.gov.uk/media/57f4de34ed915d06fd00001f/GIA_0252_2015-00.pdf

assignment of over 31 hours work to dealing with the request would cause significant disruption to its work which, given its size, it would not be able to absorb without consequences for other areas of work. The Commissioner is not convinced that, on the face of it, the value of the information, which does not include information on discussions or decisions, merits that level of disruption.

65. Taking into account that one of the purposes of section 14 is to protect the valuable resources of public authorities from being used up on requests which have the potential to cause a disproportionate or unjustified level of disruption, the Commissioner is satisfied that, in this case, OAGS was entitled to rely on section 14 of FOIA to refuse to comply with the request.

Section 16 – Duty to provide advice and assistance

66. In his request for an internal review, the complainant commented:

“If the Office of the Advocate General’s concern is genuinely about the time it would take to respond then there are, of course, various means by which the Office of the Advocate General could deal with that. I doubt that the activities covered by section 12 of the Act would come anywhere near close to the applicable cost limit. However, it was open to the Office of the Advocate General for Scotland to have made contact to discuss the request. This is an approach briefly set out in paragraph 86 of the Commissioner’s guidance on dealing with vexatious requests. The Office of the Advocate General for Scotland made no such approach.”

67. Section 16 of FOIA provides that a public authority should provide advice and assistance to persons making requests for information, where reasonable to do so. Broadly, the Commissioner considers that where a request is refused for reasons relating to the costs of compliance, a public authority should look at whether it can provide advice on how the request might be refined so that some, or all, of it may be complied with.
68. OAGS’s refusal notice referred to the “long period of time” the request covered as a factor in it finding the request to be burdensome. In the internal review it reiterated that the time period covered by the request was problematic and it invited the complainant to provide context for the request.
69. Although OAGS did not provide specific advice on how the request might be refined, the Commissioner considers it gave sufficient information for the complainant to deduce that reducing the time frame of the request, or specifying entries of a particular nature, might be ways to refine the request so as to obtain information likely to be of interest to him.

70. The Commissioner is therefore satisfied that OAGS complied with section 16 of FOIA.

Right of appeal

71. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

72. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

73. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Samantha Bracegirdle
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF