

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 January 2023

Public Authority: Warborough and Shillingford Parish Council

Address: The Greet Hall
171 Thame Road
Warborough
OX10 7DH

Decision

1. The complainant requested information from Warborough and Shillingford Parish Council ("the Council").
2. The Commissioner's decision is that the Council is entitled to rely on section 14(1) (vexatious request) of the FOIA to refuse to provide the requested information.
3. The Commissioner does not require the Council to take any steps.

Request and response

4. The complainant made the following information request to the Council on 2 May 2022 (numbering added by the Commissioner):

"Please acknowledge receipt of this email. I am writing to you under the Freedom of Information Act 2000 to request the following information:

- Copies of entire message threads including all messages and documents received by, replied to, forwarded, or sent by, any member of the PC, including the Clerk where:
 - 1) Any message or header in any part of such email thread contains one or more of the words "[name redacted]", "[name redacted]" or "[name redacted]"
 - 2) Any message relating to Warborough & Shillingford Neighbourhood Plan or WSNP Steering Committee/Group or WSNP sub-committee or WSNP review process or Agenda Item 2022/037, including, but not limited to, communication with OALC, SODC, CFO or any parties
 - 3) Any message containing one or more of the terms "conflict of interest", "parish meeting", "parish poll", "planning", "usurp"
 - 4) Any message relating to the resignations of Parish Councillors 2021/2022, including but not limited to, resignation letters
 - 5) Any message referring to "[road name redacted]", "[road name redacted]", or my property named "[property name redacted]"
- Note well that "messages" in this context is not limited to email, but also includes documents and communication systems such as WhatsApp
- For avoidance of doubt, the searches should be considered to be case insensitive and include local copies and/or archives held by individual members of the PC
- There is evidence that members of the PC have used their personal email addresses to conduct parish business, in what appears to be an attempt to keep information outside of parish records; this request therefore extends to any email

address (or other communication method) used by members of the PC in the course of PC business, including, but not limited to, [email address redacted]. For avoidance of doubt, there are examples of emails from this address being sent to parishioners using a signature of "Chair Warborough PC", and those are also in the scope of this FOI request.

- Please provide the information in electronic and searchable format.

To mitigate potential concerns about material being deleted by individual PC members, it is known that the PC has invested in moving their email infrastructure to a Microsoft tenant which will allow all emails to be searched for the above scope with audit of deletions. Please confirm this method is used as part of the response to this request, and that material relating to the above request was not intentionally deleted since this issue was first raised on 22 April 2022.

Should you feel that the information requested goes beyond the cost of compliance limits identified in Section 12, please provide advice and assistance, under the Section 16 obligations of the Act, on how the request can be refined.

If you have any queries, please don't hesitate to contact me.

Thank you for your time and I look forward to your response."

5. The Council refused to provide the requested information citing section 14(1) (vexatious request) of the FOIA as its basis for doing so.

Reasons for decision

6. This reasoning covers whether the Council is entitled to rely on section 14(1) of the FOIA to refuse to provide the requested information.
7. The complainant does not consider their request to be vexatious. In their complaint to the Commissioner, the complainant stated that the Council has not provided them with any information to explain why it considers their request to be vexatious. The complainant considers their request to be within the public interest.
8. The Council considers the request to be vexatious. In its submissions to the Commissioner, the Council explained that the complainant has submitted their request to the Council as part of an ongoing dispute between themselves, their wife and the Council. The Commissioner

understands that this dispute mainly relates to the Council's Neighbourhood Plan.

9. The Council explained that as the request covers multiple topics and is not limited to a particular timeframe, it would have to review a large amount of correspondence in order to provide the requested information. Once the Council had identified all the information it holds within the scope of the request, it would then have to carry out necessary redactions. The Council therefore considers that as it is a small public authority, complying with the request would place a grossly oppressive burden on the Council and its limited resources.
10. The Council explained that as the Neighbourhood Plan was a large project that lasted over five years, it would have to review a large amount of emails and mobile phone messages in order to provide the requested in part 2 of the request. The Council also explained that it holds a large amount of correspondence containing the word '[name redacted]' and therefore, in order to provide the information requested in part 1 of the request, it would have to review a large amount of information.
11. Furthermore, the Council explained that over the last three years, the complainant and their wife have sent a large amount of correspondence to the Council including several complaints. The Council estimates that approximately 90% of all correspondence received by the Council is from the complainant and their wife.
12. The Council explained that it has previously provided the complainant and their wife with a large amount of information relating to the Neighbourhood Plan and other Council matters in an attempt to resolve the complainant's and their wife's concerns. However, the complainant and their wife continue to send correspondence to the Council. The Council therefore considers that if it did comply with the request, the complainant would likely make further requests for information and continue to send a large volume correspondence to the Council.
13. The Council does not consider the request to be a genuine request for information. It considers that the complainant submitted their request in an attempt to frustrate, annoy and distract the Council from its other duties. The Council explained that the complainant and their wife have repeatedly accused the Council of corruption and are rude towards Council members, questioning their integrity and competence.
14. The Commissioner recognises that the Council is a small public authority and that the request is broad in scope. He therefore accepts that complying with the request would place a burden on the Council and its limited resources. Furthermore, he accepts that the aggregated burden

of dealing with the complainant's and their wife's overall correspondence will have placed a burden on the Council and its resources limiting the amount of time Council staff are able to spend performing other duties.

15. The Commissioner notes that despite being provided with a large amount of information relating to the Neighbourhood Plan and other Council matters, the complainant and their wife have continued to send a large amount of correspondence to the Council. The Commissioner therefore considers that it is unlikely that compliance with the request would resolve the complainant's concerns. On the contrary, the Commissioner believes it would likely result in further correspondence from complainant.
16. Therefore, the Commissioner's decision is that the request in this case is vexatious and thus, the Council is entitled to rely on section 14(1) of the FOIA to refuse to comply with the request.

Other matters

17. The Commissioner notes that some of the information requested in parts 1 and 5 of the request is likely to be the complainant's own personal data. The complainant would be entitled to submit a subject access request to the Council for any information which constitutes their own personal data.

Right of appeal

18. 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

19. 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.
20. 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

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