

## Freedom of Information Act 2000 (Section 50)

### Decision Notice

Date: 28 July 2011

**Public Authority:** London Borough of Bexley  
**Address:** Civic Offices  
Broadway  
Bexleyheath  
Kent  
DA6 7LB

### Summary

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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.

### The Commissioner's Role

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1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

### The Request

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2. On 28 February 2011 the complainant submitted the following request to Bexley Council (the council):

*"Are the deliberations and the results of the deliberations, of any committee which has any input into the decisions/running of this council, withheld from the electorate? And which committees are they?"*

*Please note that this request is different from previous requests. I have dropped the matter of [name], and of social services complaints panels and independent person/chairman."*

3. This was refused by the council as vexatious, on 28 March 2011. That refusal was upheld, at internal review, on 27 April 2011. On 13 May 2011 the complainant contacted the Commissioner to complain that his request for information had been refused as vexatious.

## Analysis

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4. The request itself is identical to one the complainant sent to the council on 4 February 2010. The Commissioner's decision notice in case reference FS50288058<sup>1</sup>, dated 16 May 2011, upheld the council's refusal of that request as vexatious. The Commissioner also recalls that in that case, aside from the identically-worded request of 4 February 2011, the complainant had submitted a very similar request to the same public authority on at least two other occasions in January 2011. Prior to that, his requests about social services review panels and the individual named above, had been refused as vexatious. That refusal had also been upheld by the Commissioner, in case reference FS50193947<sup>2</sup>.
5. The complainant appears to believe that the comment in his second paragraph will invalidate the council's grounds for refusing the request in the first paragraph as vexatious. However, as was seen in case reference FS50288058, the complainant has a history of trying to reopen previously closed matters while raising apparently unconnected topics. The Commissioner recognises that the council has reasonable grounds for believing, notwithstanding the complainant's comment, that there was a risk that he intended either to do the same in this case, or to re-engage with it over matters it had previously disposed of.
6. The Commissioner wrote to the complainant, giving his view that the council would be entitled to make the connection between the requests, despite the complainant's assertion that there was no connection. He invited the complainant to give his reasons for believing that the new request ought not to be refused as vexatious.
7. The complainant has not given any reasons, beyond re-stating his belief that he has a right to the information he has requested. The Commissioner observes that section 1 of the Act gives anybody the right

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<sup>1</sup> [http://www.ico.gov.uk/~media/documents/decisionnotices/2011/fs\\_50288058.ashx](http://www.ico.gov.uk/~media/documents/decisionnotices/2011/fs_50288058.ashx)

<sup>2</sup> [http://www.ico.gov.uk/~media/documents/decisionnotices/2009/FS\\_50193947.ashx](http://www.ico.gov.uk/~media/documents/decisionnotices/2009/FS_50193947.ashx)

to request and receive information from any public authority. But, section 14 of the same Act removes any obligation to comply with that right in circumstances where a request is vexatious. The Commissioner finds, for reasons examined in his previous decision notices, that the new request was correctly refused as vexatious.

## The Decision

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8. The Commissioner's decision is that the public authority dealt with the request for information in accordance with the Act.
9. He does not require any steps to be taken.

## Other matters

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10. This is the second time the complainant has received a decision notice in respect of this, identically-worded, request, and the third time he has received a decision notice on substantially similar matters, which the council continues to treat as vexatious.
11. There must be limits, not only to how many times a public authority should be expected to deal with persistent correspondents, but also to how many times the Commissioner might be expected to revisit such matters. Not least because, in requiring a public authority to engage with his investigation, the act of submitting a complaint to the Commissioner constitutes a burden on a public authority, similar to the burden which section 14 of the Act is intended to alleviate.
12. The Commissioner wishes to advise the complainant that, if he continues to submit complaints to his office about this matter, any such complaints will, from this point forward, be likely to be refused by the Commissioner under the provisions of section 50(2)(c) of the Act, on the grounds that the application is frivolous or vexatious.

## Right of Appeal

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13. 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,  
Arnhem House,  
31, Waterloo Way,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@tribunals.gsi.gov.uk](mailto:informationtribunal@tribunals.gsi.gov.uk).

Website: [www.informationtribunal.gov.uk](http://www.informationtribunal.gov.uk)

14. 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.
15. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

**Dated the 28<sup>th</sup> day of July 2011**

**Signed .....**

**Andrew White  
Group Manager  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**

## Legal Annex

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### General Right of Access

#### **Section 1(1) provides that -**

"Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him."

### Vexatious or Repeated Requests

#### **Section 14(1) provides that –**

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