

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 14 November 2011

**Public Authority:** Chief Constable of Thames Valley Police

**Address:** Headquarters  
Oxford Road  
Kidlington  
Oxfordshire  
OX5 2NX

### Decision

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1. The complainant has requested:
  - '1) The name/rank/position of [a named Police officer's] supervisor
  - 2) The name/rank/position/employer of the driver of the Silver Mondeo [Registration specified] who caused the driveway obstruction
  - 3) 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 in 2 above'
2. 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.
3. The Commissioner requires the public authority to take no further steps to ensure compliance with the legislation.

### Request and response

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4. On 10 February 2011, the complainant wrote to the Police and requested information in the following terms:
  - '1) The name/rank/position of [a named Police officer's] supervisor
  - 2) The name/rank/position/employer of the driver of the Silver Mondeo [registration specified] who caused the driveway obstruction

- 3) 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 in 2 above'
5. The Police responded on 2 March 2011. It stated that it considered the request to be vexatious.
  6. The complainant requested an internal review on 9 March 2011. The Police did not provide an internal review.

### **Scope of the case**

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7. The complainant contacted the Commissioner to complain about the way his request for information had been handled on 20 March 2011. He explained that he had not been provided with an internal review of his request and did not consider his request to be vexatious. The Commissioner exercised his discretion and accepted the complaint without an internal review having been conducted by the Police.
8. The scope of the investigation therefore was to determine whether or not the Police were right to deem the complainant's request vexatious.

### **Reasons for decision**

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9. Section 14(1) of FOIA states that:

"Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious"
10. Previous Information Tribunal (Tribunal) decisions have aided the Commissioner when coming to a decision as to whether or not a request is vexatious. In determining whether a request is vexatious or not, the Commissioner will consider the context and history of the request as well as the strengths and weaknesses of both parties' arguments in relation to some or all of the following five factors:
  - Would complying with the request impose a significant burden in terms of expense and distraction?
  - Could the request fairly be seen as obsessive?
  - Does the request have the effect of harassing the authority or causing distress to its staff?
  - Is the request designed to cause disruption or annoyance?
  - Does the request lack any serious purpose or value?
11. The Commissioner agrees with the Tribunal that the bar need not be set too high in determining whether to deem a request vexatious. He also

agrees with the Tribunal that the term 'vexatious' should be given its ordinary meaning, which is that it 'vexes' (causes irritation or annoyance); in relation to section 14(1), the annoyance must be caused by the process of complying with the request).

12. The Police submitted that the request was obsessive, had the effect of harassing or causing distress to its staff, was designed to disrupt and annoy and had also imposed a significant burden in terms of expense and distraction.

## **Background**

13. The Police stated that the majority of the complainant's contact with it relates to car parking in and around the Police's south HQ and parking amenities at the south HQ itself. This contact goes back to at least 2005 when it started to record information for the purpose of the Act.
14. The complainant's property is in close proximity to the south HQ. The complainant is of the opinion that a large proportion of the people parking on the road of his residence are those who work for the Police and specifically at its south HQ.
15. The request being considered currently relates to a complaint made against the named police officer by the complainant following a reported car parking incident where the complainant believed his driveway to have been blocked by someone who he believes visited the south HQ.

## **Obsessive**

16. The Police pointed to the number of requests received on the same subject matter and the significant amount of correspondence it had received from the complainant on the subject matter of the Police and parking to suggest that this request is obsessive. It provided copies of the relevant correspondence to the Commissioner.
17. Having reviewed the requests and correspondence, the Commissioner believes that at least 12 of the complainant's FOI requests to the Police relate to the Police and parking. These requests have been made from 2005 (at the instigation of the Act) up until the current request being considered, made in February 2011.
18. There are other requests which could be tangentially linked to the same subject matter, made by the complainant to the Police. However, given that this would require the Commissioner to infer the complainant's purpose when requesting the information, the Commissioner has not considered them as forming part of the requests which directly relate to the same subject matter.

19. Although not closely enough related to the subject matter of the other requests to be directly considered in this Notice, there does appear to be a logical connection between these other requests and the subject matter of the requests which are being considered in this decision notice. The Commissioner considers this worth mentioning as it adds weight to the idea that the complainant has an obsession with the subject matter (i.e. parking).
20. As well as FOI requests, a significant amount of other correspondence has been received by the Police from the complainant. Since November 2008, the complainant has been providing the Chief Constable of the Police with monthly updates on the Police and parking. Further to this he has also sent handmade parking themed Christmas cards to the Chief Constable as well as to other related parties.
21. The Police has also pointed out that the complainant has had letters to local press published regarding the same subject matter. The Commissioner has not directly relied on this evidence in determining obsession. However, he considers that it does add weight to the argument that the complainant does have an obsession with the subject matter of the Police and parking, given that these articles directly relate to this subject matter.
22. The Commissioner does accept that 12 FOI requests regarding the Police and parking combined with the monthly updates on parking to the Chief Constable and parking themed Christmas cards to the Chief Constable show an obsession with the subject matter of parking and the Police.

### **Significant burden**

23. In isolation, responding to the request being considered here, may not impose a significant burden on a public authority. However, the Police pointed to the number of requests and the significant volume of correspondence received from the complainant on the subject matter of the Police and parking as an indication that dealing with the complainant's requests, and dealing with this request in particular, imposed a significant burden in terms of expense and distraction. The Commissioner accepts that 12 FOI requests regarding the same subject matter is a significant amount.
24. However, given that 12 requests have been made on the same subject matter over a period of nearly 6 years, and, during this period a large amount of other, related correspondence has also had to be dealt with by the Police, the Commissioner accepts that dealing with this request (when viewed in relation to all other requests and correspondence) can be seen as imposing a significant burden on the Police.
25. Further, the Commissioner considers that, following a review of the requests and correspondence, responding to the complainant's requests

is likely to, and has in the past, lead to further requests regarding the same subject matter. The Commissioner considers this to impose a 'significant administrative burden' and to be analogous to the Tribunal decision from which this term in the context of section 14(1) was considered<sup>1</sup>.

26. The Commissioner would also accept that going through the other correspondence from the complainant i.e. the monthly updates and Christmas cards, also distracts staff from their core duties and therefore imposes a significant burden on the Police. This correspondence will require staff to check through it for any FOI requests, requests under the Data Protection Act 1998 (DPA) or for complaints made by the complainant.

### **Designed to cause disruption or annoyance**

27. The Commissioner is unable to conclude whether this request was made with the intention to cause disruption or annoyance to the Police. The complainant has shown no clear intent to cause disruption or annoyance; he has at no point stated this is his intent and the Commissioner is unable to infer from his actions that this was his intention.
28. The Police has pointed to the monthly updates and Christmas cards sent by the complainant to it as evidence of this intent. This correspondence does raise his concerns about parking, and although the complainant's method is clearly not an appropriate one for raising those concerns the Commissioner cannot say definitively that the complainant sent these with the direct purpose to disrupt or annoy the Police.

### **Harassing the authority or causing distress to staff**

29. The Police has pointed out that the tone of this request was not hostile but it does believe the aggression of other actions have caused distress to staff and his correspondence to the Chief Constable has been harassing to the Police. It has further stated that a lot of the correspondence received is impolite and hostile, believing this implies that the Police do not care about the local residents.
30. The Commissioner has reviewed this request, the previous requests and the related other correspondence from the complainant. Although it is not always written in the most amicable tone, the Commissioner does not consider it to be overtly aggressive or hostile and not enough to

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<sup>1</sup> <http://www.informationtribunal.gov.uk/DBFiles/Decision/i61/betts.pdf>

distress staff, in particular the Chief Constable. The Commissioner can understand that the necessity to respond to a large amount of requests and other correspondence on the same subject matter may be onerous but he does not consider it enough to be viewed as harassing or causing distress to staff.

31. The Commissioner questioned the Police in relation to the described other aggressive actions. These appear to relate to incidents where the complainant has allegedly been aggressive or abusive to staff when they are inspecting parking complaints or attempting to. As this does not relate to correspondence from the complainant to the Police, the Commissioner believes it is too distant from the request to be considered as a supporting argument for his request being harassing.
32. The Commissioner therefore does not consider this request to be harassing to the Police or to have caused distress to the staff.

**Does the request lack any serious purpose or value?**

33. The Police submitted that it does not consider the complainant's request to have a serious purpose or value. It explained that part of the requested information had previously been verbally communicated to him, that being the named police officer's supervisor. Secondly, it considers the subject of parking on the complainant's street to be beyond its jurisdiction, as there are no parking restrictions on the street of the complainant's residence. However, it is unclear to the Commissioner whether or not, at the point the complainant made his request, the Police had made this clear to the complainant.
34. The Commissioner considers that the complainant clearly believes his request to have a serious purpose. At the time when the complainant made his request, he had a complaint directly related to the request (namely the behaviour of the named Police officer) with the Police's Professional Standards department. This complaint was made on 7 January 2011.
35. A conclusion as to whether or not his complaint was well founded had not been reached at the point when the complainant made the request being considered in this notice. The Commissioner therefore accepts that at the time of the request it retained a degree of serious purpose.
36. However, in acknowledging this, the serious purpose of the request is diminished by the fact that the complainant attempted to pursue the matter through FOI before a conclusion had been reached by Professional Standards. In the Commissioner's view the request was clearly not the most appropriate avenue to pursue the matter given that it was still under investigation by Professional Standards. However, it is clear to the Commissioner that the complainant was still making the

request with a serious purpose, even if not doing it through the best channel.

## **Conclusion**

37. In considering all the circumstances of the case, the Commissioner considers this request to be vexatious. It demonstrates an obsession with the subject matter of the Police and parking, has imposed a significant burden on the Police and the serious purpose or value of the request is limited. In the Commissioner's view these factors are sufficient to render the request as vexatious.

## Right of appeal

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38. 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: 0116 249 4253

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

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

39. 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.
40. 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 .....**

**Alexander Ganotis  
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