

## Freedom of Information Act 2000

### Decision notice

**Date:** 2 April 2012

**Public Authority:** Home Office<sup>1</sup>  
**Address:** 2 Marsham Street  
London  
SW1P 4DF

#### Decision (including any steps ordered)

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1. The complainant requested information related to applications made by two media organisations for birth, marriage and death certificates.
2. The Commissioner's decision is that the public authority was correct to deem the request vexatious within the meaning of section 14(1) of the Freedom of Information Act 2000 (the Act).
3. The Commissioner does not require the public authority to take any steps.

#### Request and response

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4. On 6 September 2011 the complainant wrote to the public authority to request information under the Act. The request was worded as follows:  
  
*'1. As a general enquiry, on a search of the pre 2007 computer records, what are all of the details that such a search would provide in any particular instance?*  
  
*TELEGRAPH NEWSPAPERS/TELEGRAPH MEDIA GROUP*  
  
*1. Since 2004 when your records commenced until the later*
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<sup>1</sup> The request was in fact made to the General Register Office which is part of the Identity & Passport Service in the Home Office.

*establishment of the secure relationship management record ordering system in 2007, were any applications for birth certificates made by any reporter or official of the Sunday Telegraph newspaper, owned by Telegraph Media Group, and if so, how many and what were the dates when made?*

2. *Since 2004 when your computer records commenced until the later establishment of the secure customer relationship record ordering system in 2007, were any applications for marriage or death certificates made by any reporter or official of the Sunday Telegraph newspaper, owned by the Telegraph Media Group, and if so, how many and what were the dates when made?*

3. *Since 2004 when your computer records commenced until the later establishment of the secure customer relationship management record ordering system in 2007, were any applications for any birth certificates made by [a Named] reporter of the Sunday Telegraph Media Group, and if so, how many and what were the dates when made?*

4. *Since 2004 when your computer records commenced until the later establishment of the secure customer relationship management record ordering system in 2007, were any applications for any marriage or death certificates made by [a Named] reporter of the Sunday Telegraph newspaper, owned by the Telegraph Media Group, and if so, how many and what were the dates when made?*

**DATA BASE SEARCH DETAILS**

**NAME**

[Named Person]

*Sunday Telegraph*

**ADDRESS**

*Telegraph Group Ltd.*

*1 Canada Square*

*Canary Wharf*

*London*

*E14 5DT*

**Email**

[\[Named Person\]@telegraph.co.uk](mailto:[Named Person]@telegraph.co.uk)

*or the individual name of a reporter before @telegraph.co.uk*

**TIMES NEWSPAPERS LIMITED**

1. *Since 2004 when your computer records commenced until the later establishment of the secure customer relationship record ordering system in 2007, were any applications for birth certificates made by any reporter or official of Times Newspapers Ltd, and if so, how many and what were the dates when made?*
3. *Since 2004 when your computer records commenced until the later establishment of the secure customer relationship management record ordering system in 2007, were any applications for any marriage or death certificates made by any reporter or official of Times Newspapers Ltd, and if so, how many and what were the dates when made?*
4. *Since 2004 when your computer records were commenced until the later establishment of the secure customer relationship management record ordering system in 2007, were any applications for any marriage or death certificates made by any reporter or official of the Sunday Times owned by Times Newspapers Ltd, and if so, how many and what were the dates when made?*
5. *Since 2004 when your computer records commenced until the later establishment of the secure customer relationship management record ordering system in 2007, were any applications for birth certificates made by [a Named] reporter of the Sunday Times Newspaper, and if so, what were the dates when made?*
6. *Since 2004 when your computer records commenced until the later establishment of the secure customer relationship management record ordering system in 2007, were any applications for any marriage or death certificates made by [a Named] reporter of the Sunday Times Newspaper, Telegraph Media Group, and if so, how many and what were the dates when made?*

**DATA BASE SEARCH DETAILS**

**NAME**

[Named Person]

*Sunday Times*

**ADDRESS**

*1 Virginia Street*

*London*

*E98 1XY*

*3 Thomas More Square*

*London*

E98 1XY

Tel 020 7782 5000

Fax 020 7782 5046

Email [newsdesk@sundaytimes.co.uk](mailto:newsdesk@sundaytimes.co.uk), [\[Named Person\]@sunday-times.co.uk](mailto:[Named Person]@sunday-times.co.uk) or the individual name of a reporter before @Sunday-times.co.uk

*I appreciate from the information that you supplied in your previous response dated 6 June 2011 that you are unable to identify the names of the persons whose birth, marriage or death certificates may have been applied for relating to the period 2004-2007 until the establishment of your secure customer relationship management record ordering system in 2007.'*

5. The public authority responded on 29 September 2011. The request was denied on the basis that it was vexatious within the meaning of section 14(1) of the Act.
6. Following an internal review the public authority wrote to the complainant on 28 November 2011. It upheld the original decision to deny the request on the basis that it was vexatious under section 14(1).

### **Scope of the case**

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7. On 5 December 2011 the complainant contacted the Commissioner to complain about the decision to deem his request vexatious within the meaning of section 14(1) of the Act.
8. He made detailed submissions in support of his complaint. The Commissioner identified the following salient points from the submissions:
9. The reasons for finding the request vexatious were inadequate. No attempt was made by the public authority to justify applying the criteria in the Commissioner's guidance with factual information.
10. Rather than the 'subjective' finding that the request lacked any serious purpose, the public authority should have first sought clarification from him. In any event, there was no statutory requirement that the information requested should be of value to the wider community.

## Reasons for decision

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### Section 14(1)

11. By virtue of section 14(1) of the Act, a public authority is not obliged to comply with a request for information if the request is vexatious.
12. In determining whether a request is vexatious, the Commissioner will generally consider the context and history of a request as well as the strengths and weakness of the arguments in relation to some or all of the following factors<sup>2</sup>:
  - Whether the request has any serious purpose or value
  - Whether the request could otherwise fairly be characterised as obsessive
  - Whether the request has the effect of harassing the public authority
  - Whether compliance would create a significant burden in terms of expense and distraction, and
  - Whether the request is designed to cause disruption or annoyance
13. The public authority noted that this request and previous requests by the complainant in relation to birth, marriage and death certificates form part of an underlying grievance against certain media organisations. It pointed that in one of his previous requests, the complainant had volunteered the reason for his request as follows:

*'I require the information concerning the publishers concerned, as all have published either libellous material or have sought to have invaded my privacy, and I suspect that all or some of them may have applied for copies of my birth certificate or relatives of mine as part of their journalistic enquiries.'*
14. The public authority also noted that the complainant's legal bid to obtain a breach of privacy ruling against the newspapers had resulted in him been declared a vexatious litigant by the High Court.
15. The public authority was keen to stress that the High Court's decision had no bearing on its decision to deem the complainant's latest request vexatious within the meaning of section 14(1). It argued that it had in

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<sup>2</sup> In no particular order.

fact made reasonable efforts to respond to the complainant's requests in connection with the matter. The public authority however submitted that in the context of the previous requests, the latest request could be fairly characterised as obsessive, had imposed a significant burden in terms of expense and distraction, and appeared to lack any serious purpose.

Whether the request could otherwise fairly be characterised as obsessive

16. The public authority pointed out that it had previously handled 7 similar requests from the complainant relating to applications for birth, marriage and death certificates between 2004 and the establishment of the secure customer relationship management record ordering system in 2007. The public authority noted that it had explained to the complainant in previous requests that the customer relationship management system in place prior to 2007 was limited both in terms of the number of applications it holds and the details it contains. It also explained to the complainant that majority of certificate orders during those years were made either online or via personal application at the Family Record Centre.<sup>3</sup> Neither of these is recorded on the customer relationship management system.
17. The public authority submitted that the 7 previous requests are substantially similar to this request and noted that the complainant had submitted 3 separate but substantially similar requests on 23 March 2011 on the same subject. It explained that it had responded to each of the 7 requests but had made it clear in response to one of the requests relating to pre-2007 records that the customer relationship management at the time did not give details of certificate orders by applicant.
18. The Commissioner agrees with the public authority that the previous 7 requests which were made between 26 January 2011 and 11 May 2011 are substantially similar to the request above of 6 September 2011. Although not identical, they cover the same subject matter and are closely linked to the complainant's grievance against certain media organisations. The Commissioner notes that the complainant made 3 separate but similar requests to the public authority on 23 March 2011. Each of the requests was responded to by the public authority.

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<sup>3</sup> Opened in March 1997 and closed in 2008. It provided access to family history for individuals in England and Wales and was jointly administered by the General Register Office.

19. More pertinently, in response to the request of 8 April 2011, the public authority explained that the pre-2007 customer relationship management system could not be searched using an applicant's name and it could not therefore provide the information sought in that request. In responding to a subsequent request on 11 May 2011, the public authority further clarified that the pre-2007 system does not provide details of certificates ordered by each applicant so that a postcode search would still not produce the name of the applicant who ordered a certificate.
20. Notwithstanding the above explanation, the complainant submitted a substantially similar request on 6 September 2011. In view of the public authority's explanation, the nature and frequency of the previous requests and the underlying grievance against a number of media organisations, the Commissioner is persuaded that the request of 6 September could be fairly characterised as obsessive. There is a demonstrable pattern which suggests that the complainant is engaged in a fishing expedition and is unlikely to be satisfied with the public authority's responses to his requests on the matter.

Whether compliance would create a significant burden in terms of expense and distraction

21. The public authority explained that the General Register Office (GRO) is made up of a small team and staff have been taken away from their regular duties to respond to the complainant's requests. In the context of the GRO's size and functions, the public authority submitted that the nature and frequency of the requests created a disproportionate amount of work for its staff. It argued that the requests raised difficult questions including whether certain information is personal data or not and whether the GRO's data can be used to establish whether someone is living or not. This burden was increased by the frequency of the requests and given the history of the complainant's requests in connection with the matter, it was likely that responding to the request of 6 September 2011 would have generated similar requests.
22. The Commissioner agrees with the public authority that in the context of previous requests by the complainant, responding to the request of 6 September 2011 would have created a significant burden in terms of diversion and distraction for the GRO team.

Whether the request has any serious purpose or value

23. The public authority had suggested to the complainant that a request should have a '*serious purpose or value for the public at large*'. However, it clarified in its submissions to the Commissioner that it considered the request appeared to lack a serious purpose because it had consistently explained to the complainant that the pre-2007



database is an incomplete record of certificate orders. It could not therefore provide confirmation that any of the organisations or individual mentioned in the request had applied for a certificate. However, although a search on the database will not produce an applicant's details, it was entirely possible that the organisations or individual had ordered a certificate online or at the Family Record Centre.

24. The public authority acknowledged that there was a serious purpose in the complainant trying to establish whether he may have been libelled or had his privacy breached. It however questioned the value of the requests in view of the limits on the GRO's database as well as the limits imposed by the Data Protection Act 1998.
25. The Commissioner considers the request of 6 September 2011 lacked any serious purpose or value primarily because the public authority had consistently explained to the complainant that the pre-2007 database could not produce the information requested. The Commissioner did not consider whether the request lacked any serious purpose to the public at large as he agrees with the complainant that there is no statutory requirement for requested information to benefit the public at large.
26. In view of the above, the Commissioner finds that in the circumstances, the public authority was correct to refuse to comply with the complainant's request of 6 September 2011 on the basis that it was vexatious within the meaning of section 14(1) of the Act.



## Right of appeal

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27. 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@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)

28. 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.
29. 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**  
**Group Manager – Complaints Resolution**  
**Information Commissioner’s Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**