

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 21 December 2016

**Public Authority:** Chief Constable of Humberside Police

**Address:** Priory Road  
Kingston Upon Hull  
HU5 5SF

#### Decision (including any steps ordered)

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1. The complainant has requested sensitive personal information about a named police officer.
2. The Commissioner decided that Humberside Police had acted correctly in relying on the section 14(1) (vexatious requests) FOIA exemption to refuse the request. The police did not respond within 20 working days of receiving the request and in so doing breached the requirements of sections 10(1) (time for compliance) and 17(1) (refusal of request) FOIA. The Commissioner does not require Humberside Police to take any steps to comply with the legislation.

#### Request and response

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3. The request arose out of correspondence about a dispute of long standing between the complainant and Humberside Police (the police). The matters relate to the alleged non-payment of council tax by the complainant and to an application by a local authority for a Liability Order. The police and the local authority regard these as civil matters but the complainant says that they are criminal matters and that the police have therefore not proceeded correctly as a result.
4. On 8 July 2016 the complainant made the following request for information under the FOIA:

*Has PC [name redacted] now or at any time been suspended from police duty whilst under investigation for alleged incitement to commit perjury.*

5. The complainant made his request via the WhatDoTheyKnow website (WDTK) and included background information about the matter. He said that apart from automated acknowledgements, the force had not responded to his information request.
6. Initially the police did not respond to the request. However, following correspondence between the police and the Commissioner's staff, the police responded on 16 November 2016, issuing a refusal notice which told the complainant that they were applying section 14(1) FOIA to refuse to comply with the request.
7. Following an internal review the police wrote to the complainant again on 29 November 2016, upholding the section 14(1) FOIA refusal. The police added that they had evidence that this and other closely connected requests had imposed an unreasonable burden on the force. The police said that the request showed unreasonable persistence and overlapped with other requests to the point that it was vexatious.

## **Scope of the case**

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8. The complainant wrote to the Commissioner on 5 October 2016 to complain about the way his request for information had been handled. He said that the police considered his motives for requesting the information were to deliberately cause them annoyance and/or disruption. He disputed this.
9. The Commissioner considered the reliance of the police on section 14(1) FOIA to refuse the request. In doing so she considered representations from both parties, considered the relevant WDTK entries and noted that there had been a history of other connected requests to the police from the complainant.

## **Reasons for decision**

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### **Section 14 vexatious or repeated requests**

10. Section 14(1) FOIA provides that a public authority is not obliged to comply with a request that is vexatious.

11. Consistent with an Upper Tribunal decision which established the concepts of 'proportionality' and 'justification' as central to any consideration of whether or not a request is vexatious, the Commissioner's guidance on section 14(1) FOIA is that the key question to ask when determining whether or not a request is vexatious is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress.
12. Where information requests impose a significant burden on them, the Commissioner considers that public authorities should weigh the impact of the request on the authority and balance this against the request's purpose and value. In addition, where relevant, public authorities should take into account wider factors such as the background and history of the request.

*The complainant's view*

13. The complainant said that for a number of years he has been engaged in matters relating to what he described as fraud, committed by bailiffs working on behalf of local authorities to recover monies which the local authorities claim are due to them for arrears of council tax payments.
14. The complainant said that since around 2009 the police had refused to investigate his allegations of fraud, committed he said, by certain bailiffs. Despite his concerns about the large sums of money involved, the complainant said the police's stated position was that the matters did not warrant police resources being used. He said he had submitted complaints about the police 'turning a blind eye' to the complicity of councils in the frauds he alleged. He said that the police had demonstrated no signs of accountability, appearing to conduct themselves without any standard or duty to the taxpayer.
15. The complainant speculated that police forces were under pressure to ensure that no cases were pursued that might impact negatively on the collection of taxation revenues. He believed that this had resulted in his complaints of fraud being 'brushed under the carpet'. He added that the police had failed to take his allegations of fraud seriously and, as a consequence, had mishandled his complaints.
16. The complainant said he had been the victim of a 'stitch-up' involving a named Magistrates' Court, with the police acting as its accomplices. This had allowed what he characterised as fabricated evidence to be used and had led to his conviction for charges of which he said he was innocent. The outcome was that he now had a criminal record and a fine to pay. He believed he was in this position because he 'had got on the wrong side of the police' by highlighting matters concerning substantial fraud in which they were complicit.

17. The complainant believed no steps had been taken to investigate the police officer referred to in his request. The police had refused to record as a crime a reported incident about two witnesses who, he said, had lied in their witness statements, leading to his own conviction and to him being defrauded.
18. The complainant told the Commissioner that he had appealed the matter to the Crown Court but leave to appeal had been refused by the Judge on what he said had been spurious grounds.

*The police view*

19. The police said that the complainant's information requests concerning allegations of fraud and perjury had resulted in a warning in January 2016 that subsequent requests on the subjects of fraud and officer perjury might be considered to be vexatious within the meaning of section 14 FOIA. They had received information requests from him concerning several police employees and determined that these were all linked to the original complaints and allegations. The police said that the complaints had been investigated properly. The Commissioner has seen that the police and the Humberside Police Appeal Body had considered the complaints but did not uphold them. The Appeal Body said that the matters raised by the complainant should be raised through the court process, something the complainant did without success.
20. The police said that the complainant had demonstrated unreasonable persistence in making a series of information requests arising from his dissatisfaction with police handling of his council tax related complaints. He had been making connected FOI requests since 2011 despite having his complaints dismissed by the relevant appellate bodies.
21. The police said there was evidence that the complainant held personal grudges against the named officer and some other employees of the police force. He had now made eight information requests about the named officer, concerning allegations that he had fabricated evidence against the complainant. Investigation had shown the allegations to be untrue.
22. The police said that the complainant had made unfounded accusations about the Chief Constable, the Police and Crime Commissioner and the force as a whole. The police added that the complainant had accused the force of conspiring with other public authorities to collect extra taxes from the poor. He had also alleged that the police had covered up fraud by a local authority and by bailiffs acting for them.
23. The police said that the history of aggressive and at times abusive language in his information requests to the police, went beyond the level

of criticism that a public authority or its employees should reasonably expect to receive. The complainant had placed much of the correspondence on the matter on public display via the WDTK website in an account that had been suspended.

24. The police said they had found the volume of requests received from the complainant about this and connected matters to be an unreasonable burden. They said that the complainant had been corresponding with them since 2011 and the volume of his requests and correspondence had been increasing. The police showed the Commissioner a schedule demonstrating that in the 12 month period from November 2015 to October 2016, there had been 90 pieces of correspondence received from the complainant, nine of which had been specifically about the named officer.

*The Commissioner's analysis*

25. At the heart of this matter and other connected matters lies action taken by a local authority to recover from the complainant what it says are arrears of local taxes that are due. The complainant contends that no arrears are owed and that his concerns are a criminal, not a civil matter.
26. The complainant's concerns about the police and the named officer are predicated on his view that his concerns are criminal matters for the police. It is clear from the complainant's own representations and those of the police that his efforts to persuade the police and the courts to his interpretation of the law have been unsuccessful. Determination of that issue is a question of law for the courts to resolve; it is not something for the police or the Commissioner.
27. The police have provided evidence that, in making multiple information requests, the complainant has used abusive or aggressive language. He has used FOIA requests to pursue personal grudges and make unfounded accusations against the named officer and some other police employees.
28. The Commissioner has seen that the complainant's requests to the police have been unreasonably persistent, and have demonstrated intransigence in being unwilling or unable to see any virtue in views and interpretations other than his own. The effect has been to cause the police a disproportionate and unjustified level of disruption, irritation and distress. The stream of requests and related correspondence has imposed a real burden on the police force and on the named officer.
29. The complainant continues to pursue complaints that have long been adjudicated by the courts and other relevant public authorities. He persists in making requests for information under FOIA which no longer

have any serious purpose and are of little, if any, interest or value to the general public. The Commissioner has decided that this request was an unjustified and improper use of FOIA. The request was therefore vexatious and the police were entitled to rely on section 14(1) FOIA to refuse to comply with it.

### **Section 10 - time for compliance**

30. Sections 10(1) FOIA (time for compliance) and 17(1) FOIA (refusal of request) require that a response to an information request should be sent within 20 working days of its receipt. In this case the police did not respond within 20 working days of receiving the request and in so doing breached the requirements of sections 10(1) and 17(1) FOIA.

## Right of appeal

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31. 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@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

32. 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.
33. 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** .....

**Jon Manners**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
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