

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 15 September 2022

**Public Authority:** Sheffield City Council

**Address:** Town Hall  
Pinstone Street  
Sheffield  
S1 2HH

#### **Decision (including any steps ordered)**

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1. The complainant requested information from Sheffield City Council ("the Council") relating to the terms, conditions and policy on the use of CCTV by council tenants. The Council refused the request under section 14(1) of FOIA (vexatious requests).
2. The Commissioner's decision is that the request was vexatious and therefore the Council was entitled to rely upon section 14(1) of FOIA to refuse it.
3. The Commissioner does not require any steps.

#### **Request and response**

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4. On 15 November 2021, the complainant made the following request for information to the Council:

"Which service does your request relate to?: Housing

Please describe the information you are requesting as clearly as possible. : [redacted] re cctv terms and conditions Please supply a copy of your full terms and conditions re cctv policy for council tenants. Why do the council permit tenants to breach these terms and how many council properties have had reported breaches and no action taken? What is the councils policy for

reporting a breach ? How do the council then deal with these reported breaches? How many council tenants have been found to be breaching the terms and conditions in 2019, 2020 and 2021? How do the council fully investigate stalking of neighbours and harassment. Do Council employees investigate, or do they just accept false screen grabs of correct position. And then moved and victim reports and council claim permission granted. How can a victim have council tenants cctv removed away from facing and recording onto their property?"

5. On 13 December 2021, the Council responded and said the request was being refused because it was vexatious under section 14(1) of FOIA.
6. Following an internal review, the Council wrote to the complainant on 13 January 2022, upholding its position.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 13 January 2022, following the outcome of the internal review, to complain about the way their request for information had been handled.
8. This notice covers whether the Council correctly determined that the request was vexatious.

### **Reasons for decision**

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#### **Section 14(1) – vexatious requests**

9. Section 14(1) of FOIA states that a public authority is not obliged to comply with a request for information if the request is vexatious.
10. The word "vexatious" is not defined in FOIA. However, as the Commissioner's updated guidance on section 14(1)<sup>1</sup> states, it is established that section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress.

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<sup>1</sup> <https://ico.org.uk/for-organisations/dealing-with-vexatious-requests-section-14/>

11. FOIA gives individuals a greater right of access to official information in order to make bodies more transparent and accountable. As such, it is an important constitutional right. Therefore, engaging section 14(1) is a high hurdle.
12. However, the ICO recognises that dealing with unreasonable requests can strain resources and get in the way of delivering mainstream services or answering legitimate requests. These requests can also damage the reputation of the legislation itself.
13. The emphasis on protecting public authorities' resources from unreasonable requests was acknowledged by the Upper Tribunal (UT) in the leading case on section 14(1), *Information Commissioner vs Devon County Council & Dransfield* [2012] UKUT 440 (AAC), (28 January 2013) ("Dransfield")<sup>2</sup>. Although the case was subsequently appealed to the Court of Appeal, the UT's general guidance was supported, and established the Commissioner's approach.
14. Dransfield established that the key question for a public authority to ask itself is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress.
15. The four broad themes considered by the Upper Tribunal in Dransfield were:
  - the burden (on the public authority and its staff);
  - the motive (of the requester);
  - the value or serious purpose (of the request); and
  - any harassment or distress (of and to staff).
16. However, the UT emphasised that these four broad themes are not a checklist, and are not exhaustive. They stated:

"all the circumstances need to be considered in reaching what is ultimately a value judgement as to whether the request in issue is vexatious in the sense of being a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA" (paragraph 82).

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<sup>2</sup> <https://administrativeappeals.decisions.tribunals.gov.uk/Aspx/view.aspx?id=3680>

## **The Council's view**

17. The Council believes that the request is vexatious when viewed in the context in which it was made. The Council advise that the complainant made "a campaign" of information rights requests and complaints that "effectively amounted to a 'denial of service attack'" against the Council.
18. The Council provided the Commissioner with a list of the requests and complaints received from the complainant from 4 October 2021 to 15 February 2022 and advised that "the volume and scope" of the requests had "severely affected our ability to respond to other information rights requests in a timely manner and also prevented us from completing day-to-day information governance work for the Council".
19. The Council advised the Commissioner that the complainant had frequently corresponded and complained about their neighbours' behaviour and use of CCTV cameras. As a result, the complainant is subject to the Council's 'Unreasonable Customer Behaviour Policy', which places restrictions on their contact with the Council about 'historical' issues already considered. The Council advise that "making information rights requests remains one of the few avenues open" to the complainant.
20. The Council advise that "The positioning of the neighbours CCTV cameras has been comprehensively investigated by the Housing and Neighbourhood Service" and that the complainant "has exhausted the complaints process".
21. The Council advise that the complainant has "made malicious allegations against four members of the Information Management Team, some of which were extremely serious. These allegations have been thoroughly investigated and shown to be unfounded".
22. The council believes that the wording of the request "clearly demonstrates" the complainant's "unreasonable persistence" and shows that the complainant is "attempting to continue" their complaint.
23. The Council considers some of the wording in the request to be "accusations that we permit tenants to breach the terms of our CCTV policy and that we accept false screenshots of CCTV positions. Neither are serious requests for information".
24. The Council is also of the view that part of the request asks them to answer questions rather than provide recorded information.
25. The Council has confirmed to the Commissioner that it has, on two previous occasions, provided the complainant with the Council's terms and conditions for installing CCTV.

26. The Council is of the opinion that "disclosure would only be of private interest" to the complainant rather than in the public interest.

### **The complainant's view**

27. The complainant is of the view that the Council's response was "a personal attack on myself. The information that I requested was non personal". In their request to the Council for internal review, the complainant asked the Council to "... desist referring to other requests – they are simply not relevant".

### **The Commissioner's decision**

28. In cases where a public authority is relying on section 14(1), it is for the public authority to demonstrate why it considers that a request is a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA.
29. The history of the complainant's contact with the Council and the context of the request provide strong evidence of unreasonable persistence and unreasonable burden.
30. The complainant is clearly trying to continue their grievance via the information request and indeed the wording of the request (as the Council notes) shows this. The complainant's grievance about their neighbour's use of CCTV has previously been investigated and concluded. The complainant's repeated attempts to reopen through FOIA an issue previously investigated do not represent a proportionate use of the legislation.
31. Whilst it could be argued that the Council's policy towards CCTV cameras is of potential interest to the wider public, the Council had already provided the complainant with the relevant terms and conditions and it is considered that the rest of the request was of personal interest to the complainant only rather than of wider public value.
32. The Commissioner believes that the request was vexatious and therefore the Council was entitled to rely on section 14(1) of FOIA to refuse the request.

## Right of appeal

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33. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

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

34. 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.
35. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**