

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 December 2022

Public Authority: Governing Body of Royal Holloway, University of London

Address: Egham Hill
Egham
London TW20 0EX

Decision (including any steps ordered)

1. The Commissioner's decision is that the complainant's request is vexatious under section 14(1) of FOIA and Royal Holloway, University of London ('the College') is not obliged to comply with it. The College breached section 17(5) of FOIA as it has not issued the complainant with a section 14(1) refusal notice.
2. The Commissioner does not require the College to take any steps.

Request and response

3. On 18 October 2021 the complainant made the following information request to the College:

"In a recent document produced by Surrey Police, it claimed that, with regard to the problems of anti social behaviour caused by students of Royal Holloway College, Egham:

'Runnymede Specialist Neighbourhood Team are working with Environmental Health and Royal Holloway University to share reports of ASB. Where a location or individual is found to be having a disproportionate impact on the local community we will work in partnership to take appropriate action.'

In this regard, please provide the following information for each of the full calendar years 2018, 2019, 2020 and for the year to date in the case of 2021:

How many unique incidents of ASB were shared between all three of Surrey Police, Royal Holloway College and Runnymede Borough Council?

Of the unique incidents of ASB shared between all three parties, in how many cases was it found that the location involved had a disproportionate impact on the local community and what action was taken by each of Surrey Police, Royal Holloway College and Runnymede Borough Council in those cases?

Of the unique incidents of ASB shared between all three parties, in how many cases was it found that one or more individuals were found to be having a disproportionate impact on the local community and what action was taken by each of Surrey Police, Royal Holloway College and Runnymede Borough Council in those cases?

During the period in question, did Royal Holloway College provide any personal data to either (a) Surrey Police or (b) Runnymede Borough Council and, if so, what was the lawful basis for which the data was shared?

Also, has Royal Holloway College had a Data Sharing Agreement in place with either (a) Surrey Police or (b) Runnymede Borough Council at any time during the periods in question and if so, please provide a copy of each and every such agreement."

4. In its response to the request and internal review, the College sought to engage with the request and provide the information requested where it considered that the information was not exempt from disclosure under section 40(2), which concerns personal data.
5. On reconsidering the request, the College has advised the Commissioner that it considers the request to be a vexatious request under section 14(1) of FOIA.

Reasons for decision

6. This decision covers the College's reliance on section 14(1) of FOIA and the timeliness of its response and refusal.
7. 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.

8. Access to information is an important constitutional right and so engaging section 14(1) is a high hurdle. However, the Commissioner 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.
9. The themes the Commissioner considers when deciding whether a request can be categorised as vexatious are: 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). But those broad themes are not a checklist and are not exhaustive; the Commissioner takes into account all the circumstances in order to reach his decision.
10. In their complaint to the Commissioner, the complainant has advised that the context of their request is the "on-going issue of anti-social behaviour caused by a small, but significant, number of students at Royal Holloway college which, despite numerous complaints by residents ... over a period of well over 10 years, the college has failed to effectively address."
11. In its submission, the College has provided a general background and context to the request. The Commissioner does not intend to reproduce it in full in this notice, suffice to say that the complainant has been corresponding with the College since 2008, under FOIA and via other avenues of communication. The College also notes that the complainant is concerned about the presence and conduct of students in private rented accommodation in the local area.
12. The College's submission includes a discussion of the four broad themes referenced above, which the Commissioner has summarised as follows:
13. **Motive:** The College considers that the requester is seeking to compel it to action beyond its authority in respect of intruding into the private lives and activities of its students in the local area. In the College's view, the complainant's pursuit of this matter has now become highly personalised and has little benefit to the public.
14. **Value and purpose:** The College has acknowledged that questions and requests about student activity in the local area and its involvement in community wellbeing have a genuine purpose. At this point however, the College says, the cumulation of the complainant's requests and associated communications have moved from a genuine desire for information to the placing of pressure on the College to act outside its remit. The complainant is reluctant to accept that the College is not responsible for any wrongdoing and remains dissatisfied whatever response the College provides. The current request represents a highly

personalised matter, has little value and is an example of 'vexatiousness by drift'.

15. **Burden:** The College says it has dealt with a large quantity of requests and communications from the complainant. And there have been occasions when the complainant has sent requests in quick succession before the College has had the opportunity to reply. The complainant has submitted requests over a period of years and, the College anticipates, will continue to be submitted into the future.
16. **Harassment or distress to staff:** The College says that the complainant's previous communications have, on occasion, contained personal criticisms and attacks on members of staff which have caused distress. Previous requests have also sought information which the College knows the complainant already possesses, as the College has previously provided it to them. The complainant does not seem to be satisfied with any of the actions or explanations the College gives to them. Communications with the complainant invariably expand and generate additional questions. The complainant often asks the College to further explain itself, or to provide justification or explanation for matters clearly beyond its ability to do so. For example, the complainant has asked the College to explain why students would cause a noise disturbance in the local area if the College makes them aware of its expectations of behaviour. The College says that the complainant also frequently seeks to escalate their dissatisfaction with College responses to their requests to senior members of staff, such as the Principal and Deputy Principal, and to external authorities such as the local MP.
17. In addition, the College says the complainant has disregarded the College's requests for them to submit their FOIA requests to the dedicated inbox. The College considers this may be an attempt by the complainant to 'catch out' its staff who respond to enquires as 'normal course of business', which the complainant has sent to other inboxes. The complainant will then be dissatisfied with the response and pursue an internal review through FOIA.
18. Having considered the College's submission and all the circumstances, the Commissioner has decided that, at this point in its long correspondence with the complainant, the College is entitled to apply section 14(1) of FOIA to the complainant's request.
19. With regard to motive, at the time of the request the complainant had been corresponding with the College about local student activity for approximately 13 years. At the point of the request, the subject of the information being requested had drifted from the substantive matter, which is of some value, to more extraneous matters. The Commissioner has the impression of an applicant who has a specific concern that is of interest to them, who has become frustrated at what they perceive to be

the College's lack of action and who continues to bombard the College with requests; the purpose of which may be to wear down the College.

20. The Commissioner is also satisfied that the burden to the College of complying with the request in this case is disproportionate to the value the request has at this point. Finally, and taking the wider history into account, the Commissioner considers that the cumulative effect of the complainant's requests is to harass College staff - given their volume over many years, the persistence of previous requests, the disparate information being requested at October 2021, and the tone that the College has advised the complainant has adopted in some of their previous communications.
21. FOIA was not introduced to enable members of the public to cause an undue burden to public authorities or to harass public authority staff. As such, the Commissioner's decision is that the College is entitled to rely on section 14(1) of FOIA to refuse to comply with the complainant's request as the request can be categorised as vexatious.
22. Under section 17(5) of FOIA a public authority must issue a refusal notice in respect of a reliance on section 14(1) within 20 working days following the date of receipt of a request.
23. In this case the College is effectively advising the complainant of its reliance on section 14(1) through this notice. It has therefore not complied with the duty under section 17(5) of FOIA.

The Commissioner recommends that the College issues a section 14(1) refusal notice directly to the complainant. Under section 17(6) of FOIA, a public authority that has issued an applicant with a section 14(1) refusal is not obliged to issue a further section 14(1) refusal if it receives more requests from the applicant on the same matter or that evidence the themes discussed in this notice.

Right of appeal

24. 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
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

25. 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.
26. 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

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF