

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 December 2022

Public Authority: Medicines & Healthcare Products Regulatory Agency (Executive Agency of the Department for Health and Social Care)

Address: 10 South Colonnade
Canary Wharf
London
E14 4PU

Decision (including any steps ordered)

1. The complainant has requested information about adverse reactions to the coronavirus vaccination.
2. The Medicines & Healthcare Products Regulatory Agency ('MHRA') refused to comply with the request, citing section 14(1) (vexatious requests) of FOIA.
3. The Commissioner's decision is that the MHRA has correctly relied upon section 14(1) to refuse the request.
4. The Commissioner requires no steps to be taken.

Request and response

5. The complainant made the following information request on 9 December 2021:

"My Freedom of Information request relates to the MHRA Yellow Card Scheme for recording adverse reactions following a Covid-19 vaccination. The FOI is in two parts:

- 1 For all adverse reactions recorded as death/fatal only
 - a) Please provide a breakdown of the number of adverse reactions recorded by month since the start of the vaccine rollout and further broken down into the following age groups: 12-15 years, 16-17 years,

18-29 years, 30-39 years, 40- 49 years, 50-54 years, 55-59 years, 60-64 years, 65-69 years, 70-74 years, 75-79 years, 80+ years
b) In each age group, please state the number of deaths/fatal outcomes which have been confirmed as NOT being as a result of the vaccines

2 Where is the quantitative risk assessment data and report which demonstrates that the MHRA Yellow Card Vaccine Adverse Reports are NOT the result of vaccine adverse effects?"

6. The MHRA responded on 10 February 2022. It refused to comply with the request, stating that it was vexatious under section 14(1) FOIA.
7. On 14 February 2022 the complainant requested an internal review.
8. The MHRA provided the outcome to its internal review on 24 February 2022. The MHRA upheld its original position.

Scope of investigation

9. The Commissioner has considered whether MHRA was correct to refuse to comply with the request under section 14(1) FOIA.

Reasons for decision

Section 14(1) – vexatious requests

10. Section 14(1) of FOIA states:

"Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious."
11. The Commissioner's guidance¹ states that a vexatious request will represent 'a manifestly unjustified, inappropriate or improper use of a formal procedure.'

¹ <https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/dealing-with-vexatious-requests-section-14/what-does-vexatious-mean/>

12. Some requests will be clearly vexatious whilst other requests will be less clear cut. In all cases, the important question for a public authority to ask is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress.
13. The Commissioner's guidance also states, 'In some cases, you may believe that several different requesters are acting together as part of a campaign to disrupt your organisation by the sheer weight of FOIA requests they are submitting. Then, you can take this into account when determining whether any of those requests are vexatious.
14. A public authority must have sufficient evidence to substantiate its position that requests have been submitted as part of a campaign. Some indicators of a campaign might be:
 - The requests are identical or very similar;
 - The public authority has received email correspondence in which other requesters have been copied in or mentioned;
 - There is an unusual pattern of requests, for example a large number have been submitted within a relatively short space of time; or
 - A group's website makes an explicit reference to a campaign against the public authority.
15. The Commissioner has previously considered six very similar complaints against the MHRA². These requests were dealt with under IC-160439-J9F2, IC-157922-W9F0, IC-158671-P2H2, IC-165779-Y0C7, IC-162613-G4R6 and IC-161116-G0F3.
16. In these cases, the Commissioner determined that the requests were vexatious because they were part of a campaign and therefore the MHRA was entitled to rely upon section 14(1) to refuse to comply.
17. The MHRA has explained that the request was submitted at a similar time, and using similar wording, to those the Commissioner previously investigated and referred to above. Therefore, the MHRA considered the request was also part of the same campaign and therefore vexatious.

² <https://icosearch.ico.org.uk/s/search.html?collection=ico-meta&profile=decisions&query=&f.By+authority|publicAuthority=Medicines%20and%20Healthcare%20Products%20Regulatory%20Agency>

18. In the complaint to the Commissioner the complainant acknowledged that, "Part of my FOI request uses wording which other requesters have also used".
19. Since the Commissioner has given a detailed analysis as to why the aforementioned requests were part of a campaign, he doesn't deem it necessary to duplicate those arguments here.

The Commissioner's view

20. For the same reasons as outlined in IC-160439-J9F2, IC-157922-W9F0, IC-158671-P2H2, IC-165779-Y0C7, IC-162613-G4R6 and IC-161116-G0F3, the Commissioner is satisfied that the request represents part of a campaign and is therefore vexatious. Section 14(1) FOIA was correctly applied in this case.

Right of appeal

21. 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@Justice.gov.uk

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

22. 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.
23. 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.....

Gemma Garvey
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Cheshire
SK9 5AF