

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 October 2022

Public Authority: Medicines and Healthcare products Regulatory Agency

Address: 10 South Colonnade
Canary Wharf
London E14 4 PU

Decision

1. The Commissioner's decision is that Medicines and Healthcare products Regulatory Agency is entitled to rely on section 14(1) of FOIA to refuse the complainant's request as the request is vexatious.

Request and response

2. With regard to the COVID-19 vaccinations, the complainant made the following information request to Medicines and Healthcare products Regulatory Agency (MHRA) on 10 December 2021:

"Please provide the quantitative risk assessment data and report which demonstrates that the MHRA Yellow Card vaccine adverse reports are not caused by the vax."
3. MHRA's final position was that the request was part of a campaign and therefore a vexatious request under section 14(1) of FOIA.

Reasons for decision

4. This reasoning covers MHRA's application of section 14(1) of FOIA to the complainant's request.

5. Under section 14(1) of FOIA a public authority may refuse to comply with a request for information if the request is vexatious.
6. In his published guidance on section 14(1)¹, the Commissioner notes that several different requesters may act together as part of a campaign to disrupt an organisation by the sheer weight of FOIA requests they are submitting. A public authority can take this into account when determining whether any of those requests are vexatious. Examples of the type of evidence that would substantiate any claim of a link between requests includes requests that are identical or very similar.
7. In its response to the request, MHRA advised it considered the complainant's request was part of a campaign because of the volume of requests it had received that were worded in the same way as the complainant's request.
8. In addition to the above point, in its internal review MHRA also noted that the volume of similar FOIA requests it had received in a relatively short space of time was "demonstrably unusual". Finally, MHRA observed that one of the early FOI requests it had received contained a screenshot of the phrasing used in the current request from the 'UK Column News' website. This indicated to MHRA that the requests were part of a campaign targeted at MHRA.
9. The Commissioner has taken account of the complainant's position, MHRA's correspondence to the complainant (including the advice that it publishes Yellow Card reporting information about the COVID-19 vaccinations), his own guidance and the febrile nature of the matter of the COVID-19 vaccinations. The Commissioner accepts MHRA's position. He finds that the request was part of a campaign and is therefore a vexatious request under section 14(1) of FOIA.

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

Right of appeal

10. 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

11. 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.
12. 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
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF