

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

### **Decision notice**

**Date:** 15 February 2023

**Public Authority:** British Library  
**Address:** 96 Euston Road  
London  
NW1 2DB

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

---

1. The complainant has requested information held by the British Library (the Library) about the PhD thesis of Dr Tsai Ing-Wen (the current President of Taiwan).
2. The Commissioner's decision is that the Library is entitled to rely on section 14(1) of FOIA when refusing the request on the basis that it is vexatious.
3. The Commissioner does not require the Library to take any steps as a result of this decision notice.

#### **Request and response**

---

4. On 4 April 2022, the complainant wrote to the Library asking for information relating to the PhD thesis written by Dr Tsai; the terms of the request were as follows:

"Please send me copies of ALL internal and external communications, correspondences, meeting minutes, emails, notes, recordings of telephone conversations, and all other records regarding cataloguing the referenced Ph.D. thesis in 2015, including but not limited to internal communications, correspondences, meeting minutes, emails, notes, recordings of telephone conversations, and all other records within the British Library and external communications,

correspondences, meeting minutes, emails, notes, recordings of telephone conversations, and all other records between the British Library and the London School of Economics and Political Science (LSE) and/or the University of London and/or any other third parties in 2015.

Please send me copies of all requests made in relation to the referenced Ph.D. thesis in 2015.”

5. On 26 April 2022, the Library provided its response; it advised the complainant that it was refusing their request under section 14(1) of FOIA, on the basis that it was vexatious.
6. At the internal review stage, the Library upheld its previous decision to refuse the request under section 14(1) of FOIA.

### **Reasons for decision**

---

7. This reasoning covers whether the Library is entitled to rely on section 14(1) of FOIA when refusing the complainant’s request.
8. 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.
9. The Commissioner has published [guidance](#) on the factors that may typify a vexatious request. However, it is important to note that even if a request contains one or more of these indicators it will not necessarily mean that it must be vexatious; the value and purpose that the request may hold are also key factors to consider.

### **The complainant’s position**

10. The complainant has questioned the accuracy and adequacy of information which has previously been released by the Library about Dr Tsai’s PhD thesis that is available on [EThOS](#) (an e-theses service provided by the Library which gives free access to “virtually all UK doctoral research”).
11. The complainant argues that it is in the public interest that the Library releases the requested information which will confirm the accurate time that the thesis was loaded onto EThOS, how the thesis was loaded, and the metadata relating to that thesis.

### **The Library's position**

12. The Library has advised that since 2015, when it became apparent that Dr Tsai would become President of Taiwan, there has been a concerted campaign to call the validity of her PhD qualification into question. It goes on to say that whilst the LSE then published Dr Tsai's thesis (the thesis), and a copy was ingested into EThOS, information requests have continued to be received about the matter.
13. The Library advised the complainant that since 2020, the LSE, and the University of London, have been refusing requests relating to Dr Tsai's PhD on the basis that they were vexatious; the Library also referred to a [statement](#) published by the ICO about its decision to apply section 14 to any requests received on the same subject where it was found that they were lacking "valid purpose".
14. The Library went on to say to the complainant that, at the start of 2022, there had been an increase in volume of similar requests made to the relevant institutions about the matter of Dr Tsai's PhD. It referred to a [statement](#) published by "My Society" (who operate the "[whatdotheyknow](#)" website) which said that the rise in such requests indicated a "concerted disinformation campaign" that was "designed to harass the government of Taiwan and its democratic allies" ("My Society" went on to block a number of individuals from using the services provided by the "whatdotheyknow" website).
15. The Library explained to the complainant that it received a steady flow of requests about matters relating to Dr Tsai's PhD each year and that it has already responded to many requests on the subject. It went on to say that it is aware that the complainant already has all the information that the Library holds, and has published, on the matter.
16. The Library said that it regarded the complainant's request to be "repetitive, lacking in serious purpose", and that it "is likely to be part of a concerted and/or state sponsored disinformation campaign designed to harass the President and government of Taiwan, the UK public sector in general, and the British Library in particular."
17. The Library went on to say that answering requests on a subject where the matter is regarded to have already been addressed and the information that is held has been released, would cause a disproportionate burden on finite resource. It said that it would disrupt its services in a way that would not be in the public interest and that, as a result, it was refusing the request on the basis that it is vexatious.

### **The Commissioner's analysis**

18. The Commissioner did not regard it to be necessary to ask the Library to provide further representations before making his decision in this case; this is because he is satisfied that he already has a clear understanding of the Library's position from the correspondence it has provided to the complainant.
19. The Commissioner accepts that there have been a large number of requests made to various institutions about Dr Tsai's PhD award, and thesis, over a protracted period of time.
20. The Commissioner also agrees that there is evidence that individuals have acted together as part of a campaign when making requests for information about Dr Tsai's PhD; where information has been disclosed, or explanations have been provided, it has resulted in the submission of further queries and requests for information about the matter.
21. Whilst the Commissioner is not persuaded that the complainant in this case can be directly linked to any larger 'concerted campaign' as claimed by the Library, he is satisfied that there is sufficient evidence to indicate that the motivation behind their request is the same as that of individuals who are part of a concerted campaign; that is, they are all asking for information primarily for the purpose of calling into question the validity of Dr Tsai's PhD thesis, and qualifications.
22. In the Commissioner's opinion, if the complainant's request were to be considered in isolation, it could be seen to have some value and serious purpose; it relates to the academic record of an individual who has become the President of Taiwan. He regards there to be some weight to the argument for transparency over such a matter, particularly given that, in this instance, it has been the subject of some controversy.
23. However, the Commissioner regards it to be appropriate to also take into account the information which is already in the public domain when determining the value of the complainant's request.
24. The Commissioner regards it to be pertinent to note that the LSE, the University of London, and the Library have all released information in response to requests that relate to Dr Tsai's PhD award and thesis. In addition, the [LSE](#) and the [University of London](#) have made a number of public statements about the matter.
25. The Commissioner has also considered comments made by the Information Rights Tribunal in the case of [Dr Yungtai Hsu V Information Commissioner](#), EA/2020/0286 (2 December 2021). In that case, the Tribunal considered a request made to The Board of Trustees at the

University of London for information held that related to Dr Tsai's PhD studies.

26. The Tribunal stated (in paragraph 25) that it appeared that "none of the libraries have a record of the thesis being provided at the time the PhD was awarded in 1984". However, it went on to say that this "did not mean that President Tsai was not awarded a PhD degree, or that there has been academic fraud, It simply means that the thesis was not filed correctly in the libraries in 1984."
27. The Tribunal goes on to say that the "University has provided clear statements confirming that President Tsai had an oral (viva) examination and was awarded a PhD degree....."
28. It is the Commissioner's view that the information that has been released, and statements and explanations that have been published, has allowed the public to have a full understanding about the records held relating to the relevant thesis and the award of a PhD to Dr Tsai.
29. Given the information in the public domain about the issues to which the request relates, the Commissioner has had difficulty ascertaining what value would be attained from the disclosure of the information that has been requested in this particular case, and how this would be in the public interest.
30. Having considered the context and terms of the request, and the information that is already in the public domain about the relevant subject, it is the Commissioner's decision that there is insufficient value and serious purpose behind the request to justify the impact and burden which would be caused to the Library if it dealt with that request.
31. The Commissioner therefore finds that the Library is entitled to rely on section 14(1) of FOIA as its basis for refusing the complainant's request.

## Right of appeal

---

32. 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)

33. 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.
34. 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 .....**

**Suzanne McKay**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**