

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 May 2024

Public Authority: Cabinet Office
Address: 70 Whitehall
London
SW1A 2AS

Decision (including any steps ordered)

1. The complainant requested information relating to a historical archive. The Cabinet Office relied on section 14(1) of FOIA (vexatious) to refuse the request.
2. The Commissioner's decision is that the request was vexatious and therefore the Cabinet Office was entitled to rely upon section 14(1) of FOIA to refuse it.
3. The Commissioner does not require any steps.

Request and response

4. On 7 August 2023, the complainant wrote to the public authority as part of ongoing correspondence relating to a historical archive and requested information in the following terms:

"I requested any information held by Cabinet Office concerning HMRC's understanding of the basis on which the AIL [Acceptance in Lieu] Chattels were transferred to it – i.e. subject to, or free of, encumbrances.

I also requested the information held by Cabinet Office as to how and when it first became aware of the provisions of the [redacted] Purchase Agreement dealing with the sale of the AIL Chattels, including the express warranties given in respect thereof by [the owner]'s Executors."

5. The public authority responded on 5 September 2023. It refused the request as vexatious – a position it upheld following an internal review.

Reasons for decision

Section 14(1) – vexatious requests

6. 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.

The Commissioner's decision

7. The Commissioner considers that the request is similar to one that the complainant has previously made and which he determined to be vexatious: case IC-216711-T4F6¹. The Commissioner notes that the arguments presented by the Cabinet Office in its responses to the complainant in respect of this request are substantially similar to those presented in respect of the previous request.
8. For the same reasons set out in decision notice IC-216711-T4F6 and its associated annex, the Commissioner considers the Cabinet Office was entitled to rely on section 14(1) of FOIA to refuse the above request because it was vexatious.

¹ <https://ico.org.uk/media/action-weve-taken/decision-notice/2024/4029335/ic-216711-t4f6.pdf>

Right of appeal

9. 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

10. 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.
11. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Roger Cawthorne
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