

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

### **Decision notice**

**Date:** 9 May 2024

**Public Authority:** Chief Constable of Thames Valley Police  
**Address:** Headquarters  
Oxford Road  
Kidlington  
OX5 2MX

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

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1. The complainant requested information relating to a private dining club at the University of Oxford. Thames Valley Police 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 Thames Valley Police were entitled to rely upon section 14(1) of FOIA to refuse it.
3. The Commissioner does not require any steps.

#### **Request and response**

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4. On 9 December 2023 the complainant made a request for information to Thames Valley Police. That request was as follows:

"After careful consideration I would now like to submit a second revised request for information. I have again reduced the scope of the request in terms of the time period concerned.

Can you also restrict any searches to email communications held by the force.

Please note that the reference to the University of Oxford in the questions below should include the University itself and or any of its individual colleges and or any employees and or representatives acting on behalf of the University.

Please note that the reference to the Bullingdon Club (a dining society at the University of Oxford) in the questions below should include any officers of the club and or any actual club members.

Please redact the names and or personal details of all police officers and or all police employees and or all university employees and or all students and or all members of the public from the information provided.

Please note that the reference to correspondence and communications in the questions below should include all emails irrespective of whether they were sent and or received through private and or public accounts.

Please note that I am interested in receiving actual copies of correspondence and communication rather than just excerpts from that correspondence and communication. If the force feels the need to redact material from any correspondence and communication, can it redact the material where it appears. That way I will be able to judge the extent and location of any redaction.

Please note that I am only interested in information generated between 1 January 2023 to the present day.

- I. During the aforementioned period has Thames Valley Police received a complaint(s) about the activities of the Bullingdon Club. I am interested in all complaints irrespective of whether they emanated from inside or outside of the University of Oxford.
- II. If the answer to question 1 is yes, can you please provide the following details. In the case of each complaint can you state when the complaint was received? In the case of each complaint can you please provide a brief outline of the allegation(s) at the heart of the complaint. In the case of each complaint, can you state whether it emanated from within the University or not. In the case of each complaint can you state what action if any was taken by the police. In the case of each complaint can you state if any arrests were made? In the case of each complaint can you state whether any charges were brought.
- III. During the aforementioned period has Thames Valley Police written to and or communicated with the University about the membership and or

activities of the club. If the answer is yes can you please provide a copy of this correspondence and communication.

- IV. During this aforementioned period has the University written to or communicated with Thames Valley Police about the membership and or activities of the club. If the answer is yes can you please provide a copy of this correspondence and communication.”
5. Thames Valley Police responded on 21 December 2023. It applied section 12 of FOIA to the requested information. The complainant requested an internal review on 2 January 2024. Thames Valley Police provided an internal review response on 24 January 2024 now applying section 14 of FOIA to the request.

## Reasons for decision

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### Section 14(1) – vexatious request

6. The following analysis considers whether the request was vexatious.
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. The word “vexatious” is not defined in FOIA. However, as the Commissioner’s updated guidance on section 14(1)<sup>1</sup> states, it is established that 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. FOIA gives individuals a greater right of access to official information in order to make bodies more transparent and accountable. As such, it is an important constitutional right. Therefore, engaging section 14(1) is a high hurdle.
10. However, the ICO 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.

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<sup>1</sup> <https://ico.org.uk/for-organisations/dealing-with-vexatious-requests-section-14/>

11. The emphasis on protecting public authorities' resources from unreasonable requests was acknowledged by the Upper Tribunal (UT) in the leading case on section 14(1), *Information Commissioner vs Devon County Council & Dransfield* [2012] UKUT 440 (AAC), (28 January 2013) ("Dransfield")<sup>2</sup>. Although the case was subsequently appealed to the Court of Appeal, the UT's general guidance was supported, and established the Commissioner's approach.
12. Dransfield established that the key question for a public authority to ask itself is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress.
13. The four broad themes considered by the Upper Tribunal in Dransfield were:
  - 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).
14. However, the UT emphasised that these four broad themes are not a checklist, and are not exhaustive. It stated:

"all the circumstances need to be considered in reaching what is ultimately a value judgement as to whether the request in issue is vexatious in the sense of being a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA" (paragraph 82).

### **The PA's view**

15. The central argument of Thames Valley Police in this case is that the request is a "fishing expedition". This is a term used for requests where the requester casts their net widely in the hope that they will catch information of interest, but without having prior awareness of what information may be held within the scope of their request. The position of Thames Valley Police is that the effort that it would be necessary for it to expend on this request would be disproportionate when the requester does not know what information may be held and given that the request may reveal nothing that it is of any interest to them.

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<sup>2</sup> <https://administrativeappeals.decisions.tribunals.gov.uk/Aspx/view.aspx?id=3680>

16. Thames Valley Police have informed the Commissioner that they have not just engaged Section 14 purely due to the burden compliance with the request would cause. In their view the requester is on a fishing expedition, which Thames Valley Police considers supports their use of Section 14 as the burden would be significant and the serious purpose is questionable. There is no actual evidence of such a club ever having been brought to the attention of police.
17. Thames Valley Police state that they are a large organisation and it would be a significant burden for them to even attempt to demonstrate that they have searched all of their systems to see if they have had any contact with such a club. They consider that it is disproportionate and unnecessary for them to do so due to the elements of Section 14 which they consider are engaged in this case.
18. Thames Valley Police have also informed the Commissioner that there is nothing in the public domain to highlight any recent interest or police activity in relation to the Bullingdon club. They are of the opinion that the request lacks serious purpose and credibility. They state that the request is not just about searching their systems but ultimately identifying whether anyone in Thames Valley Police has instigated any such contact. In their view this is unlikely, and to conduct searches even to confirm whether such information is held would impose a significant burden on them.
19. In their correspondence with the complainant, Thames Valley Poice have made it clear that, although the complainant has revised his request to include only 12 months' electronic communications, the information requested is not, if held, in an easily retrievable format. It would be necessary to manually review a large volume of e-mails to ascertain whether they related to the Bullingdon Club. Thames Valley Police have stated that such a review would take in excess of 18 hours of staff time, which is a significant burden. This is why they have applied section 14(1) and consider the request to be vexatious.

### **The complainant's view**

20. The complainant states that this is their second attempt at a revised request for information, following Thames Valley Police's arguments that to comply with the original request would exceed the cost limit as set out in FOIA.
21. The complainant states that they have again reduced the scope of their request and considers that Thames Valley Police have incorrectly applied section 14(1) of FOIA as the complainant has requested that any searches could be confined to electronic communications, which they consider to be a reasonable and sensible way forward.

## **The Commissioner's decision**

22. In cases where a public authority is relying on section 14(1), it is for the public authority to demonstrate why it considers that a request is a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA.
23. The Commissioner's view is that "fishing expedition" requests may be vexatious, but only where the impact of them would be disproportionate or unjustified. In line with this, he has considered two main issues here; first, whether the complainant's request can be accurately characterised as a fishing expedition, and secondly, if that is the case, whether its impact would be disproportionate or unjustified.
24. On the issue of whether it is fair to characterise the request as a fishing expedition, the Commissioner considers that the request is broad enough to indicate that the requester is casting their net wide in order to see what information may be held, without any prior knowledge of what kind of information is or may be held.
25. The next step is to consider what the impact of the request may be. The Commissioner's guidance gives the following examples of where a fishing expedition request may be vexatious: -
  - Imposes a burden by obliging the authority to sift through a substantial volume of information to isolate and extract the relevant details;
  - Encompasses information which is only of limited value because of the wide scope of the request;
  - Creates a burden by requiring the authority to spend a considerable amount of time considering any exemptions and redactions.
24. The Commissioner's view is that all three of these examples apply here. The complainant has in effect asked for any or all communications (albeit now refined to electronic communications) to Thames Valley Police regarding the Bullingdon Club. As Thames Valley Police have explained, the broad and extensive search of their systems which would be required to even ascertain whether they held information of the nature requested, even encompassing the narrowed time period requested by the complainant, would impose a significant burden upon them.

25. By its nature, a fishing expedition request will very likely encompass information which is only of limited value. The Commissioner's view is that this is very likely in relation to this request as Thames Valley Police have stated that it is highly unlikely that there has been any such communication.
26. For these reasons, the Commissioner's view is that the request would impose a burden on Thames Valley Police; as to whether that burden would be disproportionate or unjustified, the Commissioner notes the broad nature of the request and the distinct possibility that a response to the request may not reveal anything that the complainant would consider sufficiently interesting. The outcome of the searches would be entirely random and may or may not lead to the identification of an issue which is worthy of pursuit.
27. On the basis that the request may result in the disclosure of no information, or information of little value, if any, the Commissioner is of the view that the burden imposed by the request would be disproportionate and unjustified.
28. Overall, the Commissioner's view is that the possibility of revealing the existence of information that may be considered of little or no value is unlikely ever to be adequate justification for a fishing expedition request that would impose a significant burden on a public authority. His conclusion is, therefore, that the request was vexatious under section 14(1) of FOIA.

## **Right of appeal**

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29. 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)

30. 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.
31. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Deirdre Collins**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
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