

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

### **Decision notice**

**Date:** 8 August 2024

**Public Authority:** Hampton Lucy Parish Council

**Address:** parishclerk@hamptonlucypc.uk

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

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1. The complainant requested a copy of a bank mandate from Hampton Lucy Parish Council ("the Parish Council"). The Parish Council refused the request on the grounds that the request is vexatious under section 14(1) of FOIA.
2. The Commissioner's decision is that the Parish Council is not entitled to rely on section 14(1) to refuse the request.
3. The Commissioner requires the Parish Council to take the following step to ensure compliance with the legislation.
  - Issue a fresh response to the request that does not rely on section 14(1) of FOIA.
4. The Parish Council must take these steps within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

#### **Request and response**

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5. On 8 January 2024, the complainant wrote to the Parish Council and requested information in the following terms:

"I am writing today to make a formal Freedom of Information (FOI) request for a redacted copy of the Parish Council (PC) bank mandate. i.e. one with the personal details of the signatories removed."

6. The Parish Council responded on 12 February 2024 and refused the request under section 14(1) of FOIA on the grounds that the request is vexatious. It included a copy of a previous refusal notice, dated 21 August 2023, sent in response to a previous request for the same information and stated its position had not changed.
7. The complainant requested an internal review on 13 February 2024. Following an internal review the Parish Council wrote to the complainant on 3 June 2024. It upheld its original position.

## Reasons for decision

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### Section 14(1) of FOIA – vexatious requests

8. 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. There is no public interest test.
9. The term “vexatious” is not defined in FOIA. However, the Commissioner’s guidance<sup>1</sup> states 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.
10. 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.
11. However, the Commissioner 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.
12. The emphasis on protecting public authorities’ resources from unreasonable requests was acknowledged by the Upper Tribunal in the leading case on section 14(1), Information Commissioner vs Devon County Council & Dransfield [2012] UKUT 440 (AAC) (28 January 2013)<sup>2</sup> (Dransfield case). Although the case was subsequently appealed to the

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

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

Court of Appeal, the Upper Tribunal's general guidance was supported, and established the Commissioner's approach.

13. When considering the issue of vexatious, the four broad themes considered by the Upper Tribunal in the Dransfield case 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. The Upper Tribunal emphasised that these four broad themes are not a checklist, and are not exhaustive, saying that: "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 Parish Council's position

15. The Parish Council explained in its submissions to the Commissioner that the mandate requested, which authorises specific individuals to act as signatories when this is required, is applicable only when cheques need to be signed or the account needs changing.
16. The Parish Council's view is that the request does not have a value or serious purpose because the Parish Council made no payments by cheque in the financial year 2022/2023 and the complainant is aware of this.
17. The Parish Council believes the complainant is fishing for information rather than requesting a copy of the mandate for a specific reason.
18. The Parish Council states that this is the latest in a series of requests made by the complainant and argues that the cumulative burden of these requests is disproportionate. The Parish Council states that this was the eighth request the complainant had made in seven years and that the requests were becoming more frequent. The Parish Council argues that these requests have resulted in a detrimental impact on its work.

#### The Commissioner's decision

19. The Commissioner accepts that the value and serious purpose of the request would be more significant if it were being made in relation to a specific concern about how the Parish Council account is being managed.

However, despite no such concern having been expressed by the complainant either when making the request or in their complaint to the Commissioner, the Commissioner considers that there is a general public interest in transparency regarding the management of public funds by the Parish Council. The Commissioner therefore considers the request to have a serious purpose and value.

20. With respect to the burden of the requests made by the complainant, even given the very limited resources of the Parish Council as a very small public authority, the Commissioner is not persuaded that the volume of requests submitted by the complainant is large enough to have placed a significant strain on its resources. This was the first request the complainant had made in 2024. In the preceding years they made two requests in 2023, three requests in 2022, one request in 2021, no requests in 2019 or 2020 and one request in 2018.
21. Furthermore, having considered the information about these previous requests provided by the Parish Council the Commissioner does not consider the nature of the requests to suggest that this is a pattern of requests that is, or had become, vexatious.
22. The Commissioner is not satisfied that dealing with this request would cause a disproportionate or unjustified level of disruption, irritation or distress. His decision is therefore that the Parish Council is not entitled to rely on section 14(1) to refuse the request.

## Right of appeal

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23. 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)

24. 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.
25. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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