



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Freedom of Information Act 2000 (Section 50)

Decision Notice

Dated 19 May 2006

Public Authority: Warwickshire County Council
Address: PO Box 9
Shire Hall
Warwick
CV34 4RR

Summary Decision and Action Required

The Commissioner's decision in this matter is that the public authority has dealt with the Complainant's request in accordance with Part I of the Act.

No remedial action is required on behalf of the public authority as this Decision Notice does not uphold the complaint made.

- 1. Freedom of Information Act 2000 (the 'Act') – Applications for a Decision and the Duty of the Commissioner**
 - 1.1 The Information Commissioner (the 'Commissioner') has received an application for a decision whether, in any specified respect, the Complainant's request for information made to the public authority has been dealt with in accordance with the requirements of Part I of the Freedom of Information Act 2000 (the 'Act').
 - 1.2 Where a complainant has made an application for a decision, unless:
 - a complainant has failed to exhaust a local complaints procedure, or
 - the application is frivolous or vexatious, or
 - the application has been subject to undue delay, or
 - the application has been withdrawn or abandoned,the Commissioner is under a duty to make a decision.
 - 1.3 The Commissioner shall either notify the complainant that he has not made a decision (and his grounds for not doing so) or shall serve a

notice of his decision on both the complainant and the public authority.

2. The Complaint

- 2.1 The Complainant has advised that on the 21 February 2005 the following information was requested from the public authority in accordance with section 1 of the Act within two letters.

The first addressed to [*Officer of the Public Authority – name deleted*]:

- “1) Why do you refuse to respond to my letters/telephone calls, contrary to your laid down internal rules?
2) Why have you refused me access to Warks CC Complaints Procedure?
3) Why did you sack me from my part-time employment with WKSCC, without providing me with a satisfactory explanation?
4) Why did you then refuse me access to your Employees Grievance Procedure?
5) In connection with my compensation claim back in October 2002, why have you not processed it?”

The second addressed to [*Officer of the Public Authority – name deleted*]:

- “5) Who is the bondholder that you mention & when will this be pursued & finalised? Please make sure you let know the outcome. Who paid for removing the barrier and installing 5 x security posts?
6) Why haven't you completed some of the planning requirements some 2 ½ years down the line?
8) What is happening re our original claim 10/02 2002?
9) Did you finish inside or outside budget?
A) by how much CR?
B) “ “ “ DR and who paid the difference?”

3. Relevant Statutory Obligations under the Act

Section 1(1) provides that –

“Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
(b) if that is the case, to have that information communicated to him.”

Section 14(1) provides that –

“Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.”

4. Review of the case

Background

The complainant has advised that he made requests for information by two letters of the 21 February 2005. The initial complaint was that no response had been received to these requests.

The above letters were sent following requests for information made by the complainant on the 17 and 31 January 2005. The information requested within these letters was received and the complainant made follow-up requests on the 21 February.

Upon contacting the public authority to ascertain why the requests of the 21 February 2005 had not been responded to, the public authority informed the Commissioner that they considered the complainant's requests to be vexatious.

Acting further to the Commissioner's intervention and advice, the public authority wrote to the complainant on the 24 October 2005 and confirmed their position, namely that it deemed the requests as vexatious.

The Commissioner advised that an internal review ought to be conducted so that the initial decision to deem the requests as vexatious could be considered again by a senior staff member who was not a party to the original decision. The review was conducted by the Chief Executive and the original decision upheld.

At this point, the complainant asked the Commissioner to consider and adjudicate upon the decision to deem to the requests as vexatious.

Investigation

The Commissioner contacted the public authority to ascertain upon what basis they considered the complainant's requests to be vexatious. The public authority responded with an appendix listing the correspondence that they had received from the complainant since September 2002. This showed that the complainant had been writing to the public authority several times per month (sometimes more than once on the same day) consistently since then. The public authority state that this correspondence is composed largely of complaints from the complainant regarding various aspects of their duties.

The public authority explained that the complainant often wrote to them with lists of questions. They had attempted to extract the genuine

information requests that would fall within the Act and respond to these. They felt that there were many questions within the complainant's letters that would not be caught by the Act.

In investigating this complaint, the Commissioner also took into account the tone of the letters sent by the complainant to the public authority in that many abusive, threatening and negative personal comments were made. These are dealt with specifically below.

Determination

The Commissioner's consideration of section 14 of the Act is explained in the **Freedom of Information Act Awareness Guidance No 22: Vexatious and repeated Requests**.

In line with the above guidance, the Commissioner's general approach was to consider whether the public authority had clearly demonstrated that the requests would impose a significant burden and:

- clearly do not have any serious purpose or value;
- are designed to cause disruption or annoyance;
- has the effect of harassing the public authority or
- can otherwise fairly be characterised as obsessive or manifestly unreasonable.

Significant Burden

The Commissioner considers that whatever the complainant's intention, a significant and unreasonable burden was imposed. The volume of correspondence received by the public authority containing requests and questions along the same theme over a lengthy period would have taken up a lot of time and in turn, public money to deal with.

Harassment

The tone of the letters sent to the public authority and the negative personal comments, threats and general nature are considered tantamount to harassment by the Commissioner. The letters sent have been addressed to individuals and it is considered that any reasonable person would feel harassed by the contents.

Obsessive

Given the level of correspondence and the ongoing theme of the same along with the tone of those letters, the Commissioner is of the opinion that requests made demonstrate obsessive and manifestly

unreasonable behaviour.

Conclusion

In making his decision, the Commissioner has considered the nature of the requests, the grounds for refusal and the conduct of the public authority. The background prior to the requests made on the 21st February 2005 demonstrates the general behaviour of the complainant and provides evidence to support the view of the public authority that the request was indeed vexatious. The Commissioner also took into account the fact that the complainant had been advised in correspondence prior to the Act coming into force that the public authority deemed him a "vexatious complainer".

5. The Commissioner's Decision

- 5.1 The Commissioner's decision in this matter is that the public authority has correctly dealt with the Complainant's request in accordance with Section 14(1) of Part I of the Act.

6. Action Required

As the Commissioner is not upholding the complaint made in this instance, no remedial action is required on the part of the public authority.

The Public Authority should note however, that any further requests for information from the complainant must be treated on their own merit and given due consideration.

7. Right of Appeal

- 7.1 Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: informationtribunal@dca.gsi.gov.uk

7.2 Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 19th day of May 2006

Signed

**Phil Boyd
Assistant Commissioner**

**Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**