

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date 29 March 2007

Public Authority: Brockhampton Group Parish Council
Address: The Parks
Acton Beauchamp
Worcester
WR6 5AB

Summary

The complainant requested a copy of the minutes of the Commons Management Committee (a committee of Brockhampton Group Parish Council), from September 2004. The Council refused to provide the requested information on the grounds that the request was vexatious and repeated. During the course of the Commissioner's investigation, the Council also alleged that to respond to the request would be too costly (when combined with other requests made by the complainant and other members of a User Group to which he belongs) and that the information was available by other means. The Commissioner has concluded that the Council has no lawful justification for refusing to provide the complainant with a copy of the minutes and therefore requires it to supply the complainant with the information requested.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

The Request

2. On 24 February 2006 the complainant wrote to Brockhampton Group Parish Council ("the Council") and requested the following information:

"...a copy of the minutes of the Commons Management Committee meeting held in the first week of September 2004 probably the 2nd".
3. The Council responded on 15 March 2006 and stated:

“No old minutes will be supplied”.

4. The complainant wrote back to the Council on 2 April 2006 and stated:

“I repeat my request that I would be grateful if you could let me have a copy of the minutes of the Commons Management Committee meeting held in the first week of September 2004 probably the 2nd... I would remind you of your obligation under the Freedom of Information Act 2000 to provide this information”.

The Investigation

Scope of the case

5. On 1 July 2006 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider the Council's refusal to supply a copy of the requested minutes.

Chronology

6. The Commissioner wrote to the Council on 11 July 2006 and highlighted that its letter to the complainant dated 15 March 2006 did not meet the requirements of a refusal notice under section 17 of the Act.
7. The complainant wrote again to the Commissioner on 31 July 2006 as he had received neither the requested information nor a refusal notice from the Council.
8. The Commissioner wrote to the Council on 23 August 2006 and asked for the complainant to be provided with either the requested information or a valid refusal notice within twenty working days of receipt of his letter.
9. On 16 September 2006 the Council wrote to the complainant. It stated that he was:
- “pursuing a continual vexatious, repeated and time wasting process to obtain copies of minutes over two years old”.
10. Having received the Council's letter of 16 September 2006, the complainant wrote to the Commissioner and reiterated that he wished to be provided with a copy of the minutes of the Commons Management Committee for September 2004, and therefore asked for his complaint to be investigated.
11. The Commissioner telephoned the Council on 16 November 2006. He informed the Council that, having reviewed the correspondence on file, there was insufficient evidence to support the Council's assertion that the request was vexatious. The Council explained to the Commissioner that:

- i) it believed the complainant, or at least the Bromyard Downs User Group (the "User Group") of which he is known to be a member, already had a copy of the information requested;
 - ii) it considered the request to demonstrate a pattern of obsessive behaviour, as the complainant and the User Group had made numerous requests for information to the Council;
 - iii) it thought the complainant had requested the information to cause inconvenience to the Council; and
 - iv) the Council was concerned about the amount of time it spent responding to requests for information from the complainant and the User Group.
12. The Commissioner wrote to the Council on 22 November 2006. He asked the Council to:
- i) explain why it considered the complainant's request for information to be vexatious, using Awareness Guidance 22 (on the subject of vexatious and repeated requests) as a guide; and
 - ii) explain how the Council believed the appropriate limit would be exceeded by complying with the complainant's request, if it wished to make use of this provision of the Act.

Copies of the ICO's Awareness Guidance 22, the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ("the Fees Regulations") and guidance on the Fees Regulations as produced by the Department for Constitutional Affairs, were enclosed, to assist the Council in formulating a response.

13. The Council telephoned the Commissioner on 7 December 2006 to discuss the response it was preparing to his letter of 22 November 2006. It queried what could be taken into account when aggregating fees under regulation 5 of the Fees Regulations, as the complainant and the User Group had written to the Council many times, but not all of these letters contained requests for information. The Commissioner informed the Council that only requests for information under the Act could be taken into account when aggregating fees.
14. The Council responded to the Commissioner in writing on 7 December 2006. It enclosed a bundle of correspondence, which comprised letters between the complainant and the Council, and letters between the Council and other members of the User Group.
15. With regard to the vexatious/repeated provision, the Council explained that the complainant and other members of the User Group had raised many issues which fell within either its jurisdiction, or that of the Commons Management Committee. Attempts by the Council to answer the concerns raised had often not been to the satisfaction of either the complainant or other members of the User Group, and in some cases the correspondence had become protracted. The Council sought to use letters which had passed between it and the complainant, and it and other members of the User Group, as evidence that the request demonstrated a pattern of obsessive behaviour.

16. In relation to the issue of fees, the Council stated that it believed the appropriate limit of 18 hours had been exceeded by responding to requests for information from the complainant and other members of the User Group. The Council stated that “each letter [from the complainant and/or the User Group] requires a great deal of time”. It went on to set out the activities that had been taken into account when calculating the appropriate limit:
 - i) discussions between the Chairman and the Clerk to the Council following receipt of a request;
 - ii) drafting and typing acknowledgement letters;
 - iii) deciding whether to include the item on a meeting agenda and copying letters to Council members;
 - iv) discussions at meetings; and
 - v) replying to letters.

17. The Commissioner telephoned the Council on 11 January 2007, having received its letter of 7 December 2006. He explained that, in his opinion, the Council was required to provide the complainant with the requested information because:
 - A. It must be the request and not the person making the request that is considered to be vexatious for section 14(1) to apply.
 - B. There was evidence of the complainant raising many issues with the Council, however not of making lots of FOI requests on the same/similar issues.
 - C. The model publication scheme for Parish, Town and Community Councils states that minutes such as that of the Commons Management Committee should be made available for two years. The complainant made his request within the two year period.

18. During the telephone call, the Council argued that it should not have to provide the information because it knew the complainant already had a copy of the requested minutes, however it could not provide written evidence of this assertion. Further, the Council stated that all of the minutes of the Commons Management Committee were available “at the Bromyard Centre”. The Council explained that the Bromyard Centre was the local leisure centre and library, and that copies of minutes were made available there, however that the copies frequently went missing. The Commissioner informed the Council that he would check with the Bromyard Centre whether the requested minutes were available.

19. The Commissioner telephoned the Bromyard Centre on 12 January 2007 and asked whether minutes of Council and Commons Management Committee meeting were available for inspection there. The Bromyard Centre stated that the Council sometimes sent it copies of minutes to be made available for inspection; however that this had not taken place on a regular basis. The Bromyard Centre stated that when minutes are made available for inspection, they are only retained for four to six weeks, after which they are destroyed. It was confirmed that the Commons Management Committee minutes from September 2004 were therefore not available for inspection at the centre.

20. On 19 January 2007 the Commissioner wrote to the Council and explained that, from the evidence the Council had provided, he did not consider the request to be vexatious, as explained in paragraph 42 below. He further explained that the Council could not take into account the factors listed at i to v of paragraph 16 above, when calculating whether its response to the requests had exceeded the fees limit, however could only take into account the time taken to:
- a) determine whether the information is held;
 - b) locate the information or a document which may contain it;
 - c) retrieve the information or a document which may contain the information; and
 - d) extract the information from a document containing it.

The Commissioner also explained to the Council that fees could only be aggregated if the following conditions were met:

- I) two or more requests have been received by one person or by different persons who appear to be acting in the course of a campaign; and
 - II) the cost of carrying out the work listed in a) to d) above for all of the requests would exceed £450 (based on £25 per hour of staff time); and
 - III) the requests are for the same or similar information; and
 - IV) the requests have been received by the council with sixty consecutive working days.
21. In the same letter, the Commissioner directed the Council to consider a table of requests for information he had drawn up from the bundle of documents submitted to him under covering letter of 7 December 2007. He asked the Council to identify from the table which requests, if any, it intended to aggregate for fees purposes, and to explain why it believed the requests met the criteria for aggregation as set out at points I to IV in paragraph 20 above.

The Council was reminded that it was able to provide the requested minutes to the complainant, if it so wished.

22. The Council responded on 30 January 2007. It stated that the complainant already had a copy of the requested information, however that the Council could not supply the name of the person who provided the information to the complainant for reasons of confidentiality. Further, the Council stated that the complainant “would have access to these minutes from a Parish Councillor and a commoner who are both members of [the User Group]”.
23. On 6 February 2007 the Commissioner wrote to the Council. In relation to the Council’s assertion that the complainant already had a copy of the requested information, the Commissioner noted that the Council could not disclose the identity of the person who supplied the information. He was unable to verify the assertion and could not therefore take the statement into account.

The Commissioner reminded the Council that, whilst it stated that the complainant had access to the information via individual councillors and representatives of the Commons Management Committee, the duty to respond to requests for information under the Act rests with the Council.

The Council was given a final opportunity to resolve the complaint informally and provide a copy of the requested information to him and to the complainant, within ten working days of the date of his letter.

24. The Commissioner received a letter from the Council on 21 February 2007. It stated that the Council was in the process of obtaining the necessary evidence to prove the complainant already had a copy of the requested information, and that it would provide this evidence to the Commissioner shortly. On 5 March 2007 the Council explained to the Commissioner that an individual is prepared to state that the complainant already has a copy of the requested minutes, however the Commissioner does not consider such a statement to constitute sufficient evidence. He has not, therefore, asked the Council to supply this information.
25. On 22 February 2007 the Commissioner telephoned the Council. He explained that the Council had been provided with several opportunities to provide evidence as to why it should not have to comply with the request, but that the investigation could not go on indefinitely. The Commissioner explained that, even if the Council could provide a statement from an individual to the effect that the complainant already had a copy of the requested information, he would not necessarily find in the Council's favour. The Commissioner stated that he would begin the process of preparing a Decision Notice.

Analysis

Procedural matters

Section 1 - General rights of access

26. The Commissioner has considered the extent to which the Council has complied with section 1 of the Act.
27. 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.”
28. The complainant made the request for information on 24 February 2006. The Council responded on 15 March 2006, however this response neither provided the requested information nor constituted a valid refusal notice under the Act. The complainant repeated the request on 2 April 2006. As yet, he has not been provided with the requested information.

Section 12 - Fees

29. The Commissioner has considered whether the Council has correctly applied section 12 of the Act.
30. Section 12(1) provides that –
- “Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.”
31. The appropriate limit is set out in the Fees Regulations as £450 for local authorities. This equates to 18 hours work. Local authorities may only legitimately refuse requests for information on fees grounds if it would take more than 18 hours to:
- a) determine whether it holds the information requested;
 - b) locate the information requested;
 - c) retrieve the information from a document containing it; and
 - d) extract the information from a document containing it.
32. In its letter to the Commissioner of 7 December 2006, the Council stated that it thought responding to the requests of the complainant and those of the User Group would exceed the appropriate limit because of the time taken to:
- i) discuss the request with the Chairman;
 - ii) draft and type acknowledgement letters;
 - iii) decide whether to include the item on a meeting agenda and copy letters to Council members;
 - iv) discuss the request at meetings; and
 - v) reply to letters.
33. The Commissioner wrote to the Council on 19 January 2007. He explained that the considerations listed at i) to v) in paragraph 32 above could not be taken into account when calculating the appropriate limit. He asked the Council to outline the time taken to carry out the actions listed at a to d in paragraph 31 in relation to relevant requests if it wished to continue to argue that to respond to the requests would exceed the appropriate limit.
34. The Fees Regulations allow requests for information to be aggregated in the following circumstances:
- i) where two or more requests have been received by one person or by different persons who appear to be acting in concert or in pursuance of a campaign; and
 - ii) the cost of carrying out the work listed in a to d above for all of the requests would exceed £450 (based on £25 per hour of staff time); and
 - iii) the requests are for the same or similar information; and
 - iv) the requests have been received by the council within sixty consecutive working days.

35. In his letter to the Council of 19 January 2007, the Commissioner explained that, from the correspondence the Council had provided to him, it was clear that the complainant and one other gentleman were acting in concert. However it was not immediately clear why the Council considered other individuals to be acting in concert. The Commissioner asked to be provided with some evidence of this. Further, the Commissioner asked the Council to detail which requests it intended to aggregate, and to explain, in terms of the factors listed at ii to iv at paragraph 34, why it believed it could aggregate the requests. The Commissioner highlighted to the Council that none of the factors it had listed in points i to v, paragraph 32, could be taken into account when calculating the fees limit, and that it had not provided any evidence to suggest that the appropriate limit would be exceeded when taking into account only considerations listed in points a to d, paragraph 31. He asked the Council to provide such evidence.
36. The Council failed to supply any relevant evidence that the fees limit had been exceeded during the course of the Commissioner's investigation. In the absence of evidence to the contrary, the Commissioner may only reasonably conclude that the fees limit has not been exceeded by responding to this, or any other request(s).

Section 14 - Vexatious and repeated requests

37. The Commissioner has considered the extent to which the Council has correctly applied section 14 of the Act.

Vexatious requests

38. 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.”

39. The Commissioner asked the Council to justify why it considered the complainant's request for information to be vexatious, using his Awareness Guidance on the subject as a starting point.
40. The Council explained that the complainant and other members of the User Group regularly wrote to the Council in relation to a range of issues, and attended meetings of both the Council and the Commons Management Committee. The Council explained that, in its opinion, the course of conduct pursued by the User Group amounted to harassment and was designed to waste the Council's time. The Council provided a bundle of correspondence between it and the complainant, and other individuals which it alleged were members of the User Group. The Commissioner noted that, from the correspondence provided to him by the Council, alleged members of the User Group made a total of 14 requests for information from the date of the Act coming into force (1 January 2005) and the date of the last request on file (13 November 2006). The complainant made 4 of these requests for information, including the request to which this complaint relates, between the Act coming into force and the date of the request being deemed vexatious (16 September 2006). The requests have concerned a number of issues over which the Council, or the Commons Management

Committee, have jurisdiction. The complainant and a gentleman known to be acting in concert made repeated requests to be supplied with the minutes of the Commons Management Committee meeting from September 2004, however this appears to be because this information has not been supplied to them, nor (until a complaint was made to the ICO) had a response in line with the Act been provided.

41. The Commissioner is satisfied that the complainant and one other individual are acting in concert with him, as they have both made complaints to him and concede this. The Council has failed to provide any evidence to suggest that other individuals should be considered as acting in concert with the two referred to above.
42. The Commissioner believes that the key point to note is that it must be the request itself, and not the person making the request, which is considered to be vexatious before section 14(1) of the Act can be said to apply. The Commissioner's Awareness Guidance on the subject of vexatious requests lists a number of points which may lead to a decision that a request is vexatious.

The applicant has made clear his or her intention

If the applicant explicitly states that his or her intention is to cause a public authority inconvenience by making a request for information, then it is likely it will be considered vexatious. However in this instance, there is no written evidence to suggest that the complainant has such an intention.

The authority has independent knowledge of the applicant

The Council is aware that the complainant belongs to a User Group and that members of this group have made a number of requests for information to the Council, however there is no written evidence, from the information submitted, to suggest the Group has intended to cause inconvenience by making requests for information.

The request clearly does not have any serious purpose or value

Some requests will be so obviously lacking in serious purpose or value that they may only be fairly treated as vexatious. However, the model publication scheme for Parish, Town and Community councils, which was approved by the Information Commissioner, endorsed by the National Association of Local Councils and adopted by the Council, states that minutes of committee meetings should be made available for the previous two years. This itself demonstrates that there is inherent value in the information requested. In any event, it is a fundamental obligation on all democratically elected and accountable local authorities, including parish councils, that the minutes of their proceedings should be made available to the public. Further, the complainant's request was first made only 17 months following the date of the meeting for which he required minutes.

The request can be fairly characterised as obsessive or manifestly unreasonable

In assessing whether a request can be deemed obsessive or manifestly unreasonable, a public authority may consider a pattern of requests for information and other correspondence, made by an individual or a group to which he belongs. As explained at paragraph 40, the complainant and persons the Council alleges are members of the User Group, have made a number of requests for information and written to the Council regarding various issues not related to their requests. However, given the breadth of issues raised, there is insufficient evidence to suggest that the request follows a pattern of obsessive or manifestly unreasonable behaviour.

Repeated requests

43. Section 14(2) provides that –

“Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.”

44. The complainant requested copies of the minutes of the Commons Management Committee from September 2004 on 24 February 2006. He received a brief response, from the Council, refusing to supply the information. He requested the information again on 2 April 2006. There is no evidence of the relevant minutes being supplied by the Council to the complainant.

Section 19 - Publication of information in accordance with a publication scheme

45. The Commissioner has considered whether the Council has complied with section 19 of the Act.

46. Section 19(1) provides –

“It shall be the duty of every public authority –

(b) to publish information in accordance with its publication scheme...”

47. The Council has adopted the Commissioner’s model publication scheme for Parish, Town and Community Councils. The scheme states that the Council should make available minutes of Council, committee and sub-committee meetings, limited to the last two years. The complainant requested minutes of the Commons Management Committee meeting of September 2004. He made this request on 24 February 2006. The information should therefore have been made available via the Council’s publication scheme.

Exemption

Section 21 – Information accessible to the applicant by other means

48. Section 21 sets out the exemption relating to information which is accessible to the applicant by other means.
49. Section 21 provides that –
- “Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.”
50. The Council has stated to the Commissioner that the information is available at the local library, the Bromyard Centre. The Commissioner telephoned the Bromyard Centre to verify the Council’s statement. A member of staff there confirmed that the minutes were not available. She stated that minutes were sent to the Bromyard Centre by the Council on an ad-hoc basis and that minutes were usually destroyed after 4 to 6 weeks.

The Decision

51. The Commissioner’s decision is that the public authority did not deal with the request for information in accordance with the Act in the following respects:
- section 1, in that the Council failed to communicate information requested to the complainant;
 - section 12, in that compliance with the complainant’s request did not exceed the appropriate limit;
 - section 14(1), in that the complainant’s request is not vexatious;
 - section 14(2), in that the complainant’s request is not repeated;
 - section 19(1)(b) in that the Council failed to publish information in accordance with its publication scheme; and
 - section 21, in that the information requested is not available by other means.

Steps Required

52. The Commissioner requires the public authority to take the following steps to ensure compliance with the Act:

The public authority must supply a copy of the information requested to the complainant. By stating that the information has been placed in the public domain the Council has confirmed that the information requested is not exempt under Part II of the Act.

The public authority must take the steps required by this notice within 35 calendar days of the date of this notice.

Other matters

53. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters of concern:

At the time the complainant's request for information was made, the information should have been available via the Council's publication scheme. Had it been available through that route, the correct way to process the request would therefore have been to refuse the request for information under section 1 of the Act, on the grounds that the information was exempt under section 21 (information accessible to the applicant by other means), as it was available in accordance with the publication scheme. The Council should have then informed the complainant how the information could be obtained.

The Council intended its letter to the complainant dated 16 September 2006 to constitute a refusal notice under section 17 of the Act. The Commissioner has noted that the letter does not meet the requirements of section 17 and has therefore provided the Council with a copy of Good Practice Guidance 1, to assist it in complying with section 17 in respect of future requests which might be legitimately refused.

Failure to comply

54. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Right of Appeal

55. Either party has the right to appeal against this Decision Notice to the Information 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

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

Dated the 29th day of March 2007

Signed

**Graham Smith
Deputy Commissioner**

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

Legal Annex

General rights of access

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 1(2) provides that –

“Subsection (1) has the effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14.”

Section 1(3) provides that –

“Where a public authority –

(a) reasonably requires further information in order to identify and locate the information requested, and

(b) has informed the applicant of that requirement,

the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.”

Section 1(4) provides that –

“The information –

(a) in respect of which the applicant is to be informed under subsection (1)(a), or

(b) which is to be communicated under subsection (1)(b),

is the information in question held at the time when the request is received, except that account may be taken of any amendment or deletion made between that time and the time when the information is to be communicated under subsection (1)(b), being an amendment or deletion that would have been made regardless of the receipt of the request.”

Section 1(5) provides that –

“A public authority is to be taken to have complied with subsection (1)(a) in relation to any information if it has communicated the information to the applicant in accordance with subsection (1)(b).”

Section 1(6) provides that –

“In this Act, the duty of a public authority to comply with subsection (1)(a) is referred to as “the duty to confirm or deny”.”

Time for compliance

Section 10(1) provides that –

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

Section 10(2) provides that –

“Where the authority has given a fees notice to the applicant and the fee paid is in accordance with section 9(2), the working days in the period beginning with the day on which the fees notice is given to the applicant and ending with the day on which the fee is received by the authority are to be disregarded in calculating for the purposes of subsection (1) the twentieth working day following the date of receipt.”

Section 10(3) provides that –

“If, and to the extent that –

- (a) section 1(1)(a) would not apply if the condition in section 2(1)(b) were satisfied, or
- (b) section 1(1)(b) would not apply if the condition in section 2(2)(b) were satisfied,

the public authority need not comply with section 1(1)(a) or (b) until such time as is reasonable in the circumstances; but this subsection does not affect the time by which any notice under section 17(1) must be given.”

Section 10(4) provides that –

“The Secretary of State may by regulations provide that subsections (1) and (2) are to have effect as if any reference to the twentieth working day following the date of receipt were a reference to such other day, not later than the sixtieth working day following the date of receipt, as may be specified in, or determined in accordance with the regulations.”

Section 10(5) provides that –

“Regulations under subsection (4) may –

- (a) prescribe different days in relation to different cases, and

(b) confer a discretion on the Commissioner.”

Section 10(6) provides that –

“In this section –

“the date of receipt” means –

- (a) the day on which the public authority receives the request for information, or
- (b) if later, the day on which it receives the information referred to in section 1(3);

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”

Fees

Section 12(1) provides that –

“Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.”

Section 12(2) provides that –

“Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.”

Section 12(3) provides that –

“In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.”

Section 12(4) provides that –

“The secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority –

- (a) by one person, or
- (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.”

Section 12(5) provides that -

“The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are estimated.

Vexatious and repeated requests

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”

Section 14(2) provides that –

“Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with a previous request and the making of the current request.”

Publication Schemes

Section 19(1) provides that –

“It shall be the duty of every public authority –

- (a) to adopt and maintain a scheme which relates to the publication of information by the authority and is approved by the Commissioner (in this Act referred to as a “publication scheme”),
- (b) to publish information in accordance with its publication scheme, and
- (c) from time to time to review its publication scheme.”

Section 19(2) provides that –

“A publication scheme must –

- (a) specify classes of information which the public authority publishes or intends to publish,
- (b) specify the manner in which information of each class is, or is intended to be, published, and
- (c) specify whether the material is, or is intended to be, available to the public free of charge or on payment.”

Section 19(3) provides that –

“In adopting or reviewing a publication scheme, a public authority shall have regard to the public interest –

- (a) in allowing public access to information held by the authority, and
- (b) in the publication of reasons for decisions made by the authority.”

Section 19(4) provides that –

“A public authority shall publish its publication scheme in such manner as it thinks fit.”

Section 19(5) provides that –

“The Commissioner may, when approving a scheme, provide that his approval is to expire at the end of a specified period.”

Section 19(6) provides that –

“Where the Commissioner has approved the publication scheme of any public authority, he may at any time give notice to the public authority revoking his approval of the scheme as from the end of the period of six months beginning with the day on which the notice is given.”

Section 19(7) provides that –

“Where the Commissioner –

- (a) refuses to approve a proposed publication scheme, or
- (b) revokes his approval of publication scheme,

he must give the public authority a statement of his reasons for doing so.”

Information accessible by other means

Section 21(1) provides that –

“Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.”

Section 21(2) provides that –

“For the purposes of subsection (1)-

- (a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

- (b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.”

Section 21(3) provides that –

“For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.”