

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 September 2012

Public Authority: London Borough of Islington
Address: Town Hall
Upper Street
London
N1 2UD

Decision (including any steps ordered)

1. The complainant requested information from the London Borough of Islington ("the council") relating to major works, external repairs 2010-2011 to a named block of flats in Islington. The council refused to respond to the request because it considered that it was vexatious under section 14(1) and section 14(2) of the Freedom of Information Act 2000 ("the FOIA"), the exclusion relating to vexatious and repeated requests.
2. The Commissioner's decision is that the council correctly refused to respond to the request by citing section 14(1) of the FOIA.
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 24 January 2012 the complainant made a request relating to a named block of flats, major works, external repairs 2010-2011, as follows:

"Please provide copies of ALL written correspondence between ALL parties in connection with these works .. To include copies of all invoices, specifications, quotes, tenders, etc. .."

Please note that we are only interested in such for [named property] .. The total sum of these works being approx. £200,000, and individually costs at approx. £3,000 for ea. dwelling .." (sic)

5. The council responded on 16 February 2012 and refused to provide the requested information, citing section 14(1) and section 14(2) of the FOIA. The council drew the complainant's attention to the letter, dated 6 December 2011, where it had outlined its reasons for refusing other recent requests on the basis that the volume of his requests and the distraction they posed had had a detrimental impact on the council's ability to deliver its service. The council further stated that the complainant had requested similar information under two other references, one of which had had an internal review.

Scope of the case

6. The complainant asked the Commissioner to consider whether the council had correctly applied section 14(1) and section 14(2) to his requests. He disputed that the requested information had been provided, though he stated that some of the requested information had been obtained through different sources.
7. On 11 May 2012, the Commissioner asked the council for its arguments in relation to the application of section 14(1) and section 14(2).
8. On 21 August 2012, the council provided both its arguments and copies of the information it had sent to the complainant prior to this request regarding major external works at the named property. It was highlighted that the complainant had asked for information regarding major works at the same property in February 2011 and an internal review had followed.

Reasons for decision

Section 14(1) – Vexatious requests

9. Section 1(1) provides a general right of access to recorded information that is held by public authorities. Section 14(1) of the FOIA states the following:

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

10. Guidance on vexatious requests is available on the Commissioner's website at www.ico.gov.uk and for ease of reference, at the following link:
http://www.ico.gov.uk/for_organisations/guidance_index/~/_media/doc

[uments/library/Freedom_of_Information/Detailed_specialist_guides/vexatious_and_repeated_requests.ashx](#)

11. As explained in the guidance, when considering if a request for information is vexatious, the Commissioner will consider the argument and evidence that the complainant and the public authority is able to provide. The Commissioner's analysis will generally focus on the following questions:
 - Could the request fairly be seen as obsessive?
 - Is the request harassing the authority or causing distress to staff?
 - Would complying with the request impose a significant burden in terms of expense and distraction?
 - Is the request designed to cause disruption or annoyance?
 - Does the request lack any serious purpose or value?
12. It will not be necessary for all of the above criteria to apply but in general, the more that apply, the stronger the case for a vexatious request will be. The Commissioner is able to take into account the history and context of the request.
13. The Commissioner wishes to rely on the arguments provided in his decision notice/s FS50437482, FS50430435, FS50430436, paragraphs 16-35.
14. As the Commissioner accepts the council's application of section 14(1) of the FOIA to the requested information he has not considered section 14(2).

Right of appeal

15. 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: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

16. 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.
17. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Andrew White
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