

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 February 2016

Public Authority: Chief Constable of Cambridgeshire Constabulary
Address: Constabulary Headquarters
Hinchingsbrooke Park
Huntingdon
PE29 6NP

Decision (including any steps ordered)

1. The complainant has requested information relating to Court warrants and summonses. Cambridgeshire Constabulary (the 'Constabulary') initially refused to comply with the request on the grounds that it was not valid as per section 8(1)(c) of the FOIA. It subsequently refused the request on the grounds that it is vexatious.
2. The Commissioner's decision is that the request is not a valid request for information because it does not meet the requirements of section 8 of the FOIA. The Commissioner does not require the Constabulary to take any steps.

Background

3. The request can be followed on the "*What do they know?*" website¹.

Request and response

4. On 11 October 2015, the complainant wrote to the Constabulary and requested information in the following terms:

¹ https://www.whatdotheyknow.com/request/illegal_warrants_and_summons

"Can you please tell me why you are condoning Huntingdonshire District Council sending out Court Summons, which is illegal, and also why you condone Peterborough Magistrates Court sending out illegal Court Warrants - that being with an incorrect offence on them and not signed?"

5. The Constabulary responded on 3 November 2015. It stated that it did not consider the request to be valid as it did not describe what was required so failed to comply with section 8(1)(c) of the FOIA.
6. Following an internal review the Constabulary wrote to the complainant on 13 November 2015. It varied its position and instead found that the request was vexatious under section 14(1) of the FOIA.

Scope of the case

7. The complainant apparently wrote to the Commissioner on 15 November 2015. However, the Commissioner has no record of having received this letter. He wrote again on 12 December 2015 to complain about the way his request for information had been handled.
8. The Commissioner will consider the handling of the request below.

Reasons for decision

9. Based on the wording of the request the Commissioner has used his discretion and has first considered section 8 of the FOIA.

Section 8 - validity of request

10. Section 8(1) defines a valid "request for information" under the FOIA as a request which:
 - (a) *is in writing,*
 - (b) *states the name of the applicant and an address for correspondence, and*
 - (c) *describes the information requested.*
11. The request in question is clearly in writing and has an address for correspondence. The only issue remaining for the Commissioner to consider is its validity in respect of whether it describes the information requested.

12. In the Commissioner's view a request will meet the requirements of section 8(1)(c) as long as it contains a sufficient description of the information required. Details as to date, author, purpose or type of document, physical location, subject matter or area concerned with, may all help to identify the nature of the information sought. Each request has to be judged on its individual merits as to whether there are sufficient indicators provided to enable the information requested to be adequately described for the purposes of section 8. As long as a request attempts to describe the information it is likely to meet the requirements of section 8(1)(c) as it is always open to the public authority to seek further clarification to identify the information.
13. The Commissioner considers that the wording of section 8(1)(c) is clear and should bear its plain meaning. This provision simply requires the request to "*describe the information requested*". In this instance, the request clearly seeks an opinion or explanation from the Constabulary. It does not refer to any actual information that may be recorded.
14. The Commissioner does not consider that the request adequately sets out a description of the recorded information being requested; rather it appears to seek to use the FOIA as a means of advancing the complainant's discontent with the issuing of court summonses/warrants and his assumption that the Constabulary condones what he perceives to be an illegal practice. The request seeks the justification for and explanation of his allegation.
15. It is the Commissioner's view that this is not a request for information as per section 8 of the FOIA, rather it consists of questions seeking an opinion. As it is not a request for recorded information the Commissioner cannot consider it further.

Other matters

16. In his letter to the Commissioner of 12 December 2015 the complainant used entirely inappropriate language which the Commissioner is unable to cite here. If the complainant were to continue to use such intemperate language the Commissioner may refuse to deal with the associated correspondence.

Right of appeal

17. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

18. 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.
19. 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

Carolyn Howes
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF