

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 September 2022

Public Authority: The Council of the London School of Economics and Political Science

Address: Houghton Street
London
WC2A 2AE

Decision (including any steps ordered)

1. The complainant has requested information about a public statement made regarding the degree awarded to current Taiwanese President Tsai Ing-wen. The Council of the London School of Economics and Political Science ("the LSE") relied on section 17(6) of FOIA to decline to issue a refusal notice as it considered the request to be vexatious.
2. The Commissioner's decision is that the LSE was entitled to rely on section 17(6) of FOIA to decline to issue a refusal notice.
3. The Commissioner does not require further steps.

Request and response

4. On 3 December 2021, the complainant wrote to the LSE and referring to an earlier statement the LSE had issued about President Tsai's 1984 PhD award and thesis, requested information in the following terms:
 - "#1 Is the statement of 8 October 2019 from a third party unrelated to the LSE?
 - "#2 If not, is the statement from the University of London?
 - "#3 If not, is the statement from the LSE itself?
 - "#4 If it is the LSE that issued this statement, then who or which unit did that?"

5. When the LSE had failed to respond by 8 December 2021 (despite FOIA allowing 20 working days for responses to be issued) the complainant chased his request and asked when it would be responded to.
6. On 9 December 2021, the LSE replied. It noted that it had previously refused a request from the complainant as vexatious and that, as nothing had changed in the interim, it wished to rely on section 17(6) of FOIA to decline to issue a fresh refusal notice.

Scope of the case

7. The complainant contacted the Commissioner on 14 January 2021 to complain about the way his request for information had been handled.
8. The Commissioner considers that it would defeat the purpose of relying on section 17(6) of FOIA if the LSE were to be required to carry out an internal review of the way it had responded. Given his familiarity with the "issues" surrounding President Tsai's thesis and the material provided by the complainant, the Commissioner also considered that it would be disproportionate to seek a formal submission from the LSE – although the LSE was asked whether it wished to add anything to its previous response.
9. The Commissioner considers that the scope of his investigation is to determine whether the LSE was entitled to rely on section 17(6) of FOIA to decline to issue a refusal notice.

Reasons for decision

10. A vexatious request is defined as a "manifestly unjustified, inappropriate or improper use of a formal procedure."
11. Section 17(5) of FOIA usually requires a public authority that wishes to refuse a request as vexatious to issue a refusal notice, stating that fact, within 20 working days of the request having been received.
12. However, the exception to this rule is contained in section 17(6) of FOIA which allows a public authority to not issue a refusal notice if it considers the request in question is vexatious, has refused a previous request from that person as vexatious and, in all the circumstances, it would be unreasonable to issue a further refusal notice.
13. On the available evidence, the Commissioner considers that all three criteria are met.

14. The complainant provided a copy of a previous refusal notice he had received from the LSE refusing a request he made in 2019 as vexatious.
15. The present request is also vexatious. It seeks to question the provenance of a statement that was published on the LSE's website two years ago – the implication being that some "third party" hijacked or coerced the LSE into both making a statement on its website in 2019 and (presumably) maintaining that statement on its website ever since.
16. The complainant is, by his own admission, one of the main proponents of what he calls the "doctorate scamming" conspiracy theory. The Commissioner has dealt with this conspiracy theory in previous decision notices, finding it to be of extremely dubious public interest.¹
17. Given the complainant's self-confessed advocacy of this conspiracy theory, the Commissioner considers that he is unlikely to be satisfied by any response the LSE provides and is likely to require the LSE to divert further resources to responding to follow-up queries.
18. Given the information already released into the public domain by the LSE, the current and contemporaneous records that exist, the Commissioner considers that the complainant's pursuit of this matter (some three years after questions were first raised) can fairly be characterised as obsessive. Furthermore, the Commissioner notes that the complainant's evidence demonstrates that he is working in conjunction with other individuals who are making requests to the LSE about the same matter.
19. The Commissioner is therefore satisfied that this request is a manifestly unjustified, inappropriate or improper use of a formal procedure and is thus vexatious.
20. Finally, the Commissioner has considered whether it was appropriate for the LSE to not issue a refusal notice in these circumstances. He considers that it was.
21. The complainant has drawn the Commissioner's attention to the recent public statement he made regarding the "doctorate scamming" conspiracy theory. Whilst issued after the request was dealt with, the Commissioner considers that this statement adequately demonstrates

¹ See for example: <https://ico.org.uk/media/action-weve-taken/decision-notices/2020/2618317/ic-40405-s7l3.pdf> and <https://ico.org.uk/media/action-weve-taken/decision-notices/2021/4018304/ic-83994-c7z4.pdf>

that the complainant's obsessive and unreasonable pursuit of this matter is unlikely to cease in the near future. The LSE is entitled to consider the likely effect of issuing a further refusal notice – which is likely to involve further diversion of resources in a disproportionate manner.

22. Whilst the original reliance on section 14 occurred some two years prior to the request that is the subject of this notice, the Commissioner does not consider that anything of significance has changed in the intervening period. Nor would there be any public value in the information that the request seeks.
23. The Commissioner therefore considers that it was reasonable in the circumstances for the LSE not to have issued a further refusal notice.

Right of appeal

24. 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

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

25. 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.
26. 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

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
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Wilmslow
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