

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 17 October 2022

**Public Authority:** Information Commissioner  
**Address:** Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

#### **Decision (including any steps ordered)**

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1. The complainant has requested the entirety of a casework database – including all the data held therein. The above public authority (“the public authority”) refused the request as vexatious on the grounds that complying would impose a grossly oppressive burden.
2. The Commissioner’s decision is that the public authority is entitled to rely on section 14 of FOIA to refuse the request.
3. The Commissioner does not require further steps.

#### **Request and response**

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4. On 17 December 2021, the complainant wrote to the public authority and asked for a copy of all the fields in its case management system, as well as copies of all the data contained therein. They were prepared to accept that fields that required “extensive redaction” could be omitted in their entirety.
5. The public authority responded on 18 January 2022. It refused the request as vexatious – a position it upheld at internal review.

#### **Reasons for decision**

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6. The following analysis explains why the request was vexatious.

7. The public authority has already explained, in its original response to the complainant, that the request encompasses over 150,000 records that would need to be checked in order to decide what could be disclosed.
8. The Commissioner is aware, from previous cases he has dealt with, that the public authority holds a large volume of information – some of which (eg. standard letter, copies of decision notices etc.) is likely to fall to be disclosed. Other information however (eg. personal data, withheld information) is likely to be exempt.
9. The Commissioner does not consider that “extensive redaction” is an objective standard that the public authority could use to determine which fields it should remove and which it should disclose. “Extensive redaction” could mean removing a small amount of data across multiple records, or it could mean removing a very large amount of data from a small number of records. Either way, it does not assist the public authority in separating the information that would fall to be disclosed, from that which would not and therefore does not reduce the burden of the request.
10. Complying with this request would therefore, in the Commissioner’s view, require the public authority to consider the entirety of its database for disclosure. Such a task would clearly involve a grossly oppressive burden and substantial diversion of resources.
11. Finally, the Commissioner has considered whether there might be exceptional grounds for requiring the public authority to comply with the request, despite the burden. He has concluded that there are not.
12. Whilst the public authority is a large public authority, the burden of the request is so substantial that even the most well-resourced public authority would struggle to comply without incurring a very significant diversion of resources away from its primary functions.
13. The Commissioner is also of the view that the wider value of the request is not significant. The public authority does already publish some information, although the complainant has pointed out that this only relates to closed cases and the data for the time period he had requested had not been published when his request was first made.
14. However, whilst there is some public value in the public authority publishing details of its workload to allow for external scrutiny, the volume of data the complainant is requiring to be published, via his request, is grossly disproportionate to that required to allow the general public to make an assessment of the public authority’s workload. What public value there might be to complying with this request is vastly outweighed by the burden that doing so would impose.

15. The Commissioner is satisfied that the request was vexatious and therefore the public authority was under no obligation to respond.

**Advice and assistance**

16. The Commissioner is satisfied that the public authority provide appropriate advice and assistance. It explained why the request was vexatious, noting the large volume of information that potentially fell within scope. It also pointed the complainant towards information it already published. The Commissioner therefore considers that the public authority provided appropriate information and that, given the breadth of the request, it was difficult to see how it could meaningfully have been refined to make it less burdensome.

## Right of appeal

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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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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 .....**

**Roger Cawthorne**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**