

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 October 2022

Public Authority: Ministry of Justice
Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant has requested administrative information from various courts, regarding several proceedings in the family courts.
2. The Ministry of Justice (the MOJ) refused to comply with request citing section 14(1) (vexatious request) of FOIA.
3. The Commissioner's decision is that:
 - The request is vexatious and therefore the MOJ has correctly applied section 14(1).
 - The Council failed to comply with section 17 of FOIA by not issuing its refusal notice within 20 working days.
4. The Commissioner does not require the MOJ to take any further steps.

Request and response

5. On 7 March 2022, the complainant wrote to the MOJ to make a multi-part request for information. The full request spanned over 7 pages and contained 100 numbered request and additional sub-questions.
6. The request has not been repeated in this Decision Notices for the interest of brevity and due to the complainants personal data being contained throughout.

7. The final position of the MOJ was that the request was vexatious as it was a 'manifestly unjustified and an inappropriate or improper use of the formal procedure'.

Reasons for Decision

8. The MOJ considers the request to be "manifestly unjustified and an inappropriate or improper use of the formal procedure" due to the sheer number of questions raised in the complainant's request for information.
9. The MOJ advises that the large number of questions would incur a "huge burden", due to the number of questions that would need to be responded to. The MOJ advises this would place a strain on both the time and resources of the department.
10. The MOJ finally advised that parts of the request would not be a valid request for information, as the complainant did not seek recorded information."
11. The complainant argued that their request was "perfectly reasonable", both in form and in length, given the "administrative negligence" of the courts involved.
12. The Commissioner appreciates that the complainant is dissatisfied with their experience with the courts. However, he also notes that there are other avenues open to the complainant for having any grievance appropriately considered. Even if the Commissioner were convinced that the making of an information request in these circumstances was appropriate, making such an obviously burdensome request is not a proportionate means of moving any grievance forward.
13. The Commissioner agrees that such a voluminous request is self-evidently burdensome (to the extent it actually seeks recorded information). Given the relatively narrow focus on the proceedings involving the complainant, the Commissioner is sceptical that there is any significant public value in the request at all – and certainly not sufficient to justify such a burdensome request.
14. The Commissioner therefore agrees that this request represents a "manifestly unjustified, inappropriate or improper use of a formal procedure" and was therefore vexatious. The MOJ was thus entitled to rely on section 14(1) of FOIA to refuse it.
15. When a public authority wishes to refuse a request as vexatious, section 17(5) of the FOIA still requires it to issue a refusal notice, informing the requestor that their request has been refused as vexatious, within 20 working days.

16. From the evidence presented to the Commissioner, the MOJ did not inform the complainant the request had been refused as vexatious within 20 working days (or even 20 school days). The MOJ therefore breached section 17(5) of the FOIA in responding to the request.

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: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.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

Catherine Fletcher
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