

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 January 2023

Public Authority: The Council of the University of Hertfordshire
Address: Hatfield
Hertfordshire
AL10 9AB

Decision (including any steps ordered)

1. The complainant has requested information from the University of Hertfordshire (the University) in relation to the issuing of fees for international students. The University initially complied with the request, but the complainant continued to dispute the answers the University provided. The University then claimed a later reliance on section 14 of FOIA.
2. The Commissioner's decision is that the university is entitled to rely on section 14(1) of FOIA in this case because the request is vexatious. He therefore does not require any further action to be taken.

Request and response

3. On 26 December 2021, the complainant wrote to the University and requested information in the following terms:

“(f) Did university was allowed to write the different amount on the continuing international student/s CAS (which is different from the university invoice; real owing money towards the student) in order to approve the visa. Please provide the details from 01 September 2013-16 December 2018. If yes- How many times university did the same as mentioned above.”

4. The University responded on 27 January 2022, providing an answer to the complainant's request.
5. The complainant wrote to the University on 4 February 2022, expressing their dissatisfaction with the response.
6. The University provided a further response on 23 February 2022.
7. The complainant and the University proceeded to communicate further. On 29 July 2022 the University cited section 14 of FOIA. The complainant disputed that. This led to an internal review being carried out on 30 September 2022, in which the University upheld its application of section 14 of FOIA.

Scope of the case

8. The complainant contacted the Commissioner on 28 August 2022 to complain about the way their request for information had been handled. The complaint was accepted for full investigation on 29 November 2022, following the receipt of the University's internal review.
9. The Commissioner has obtained additional submissions from the University. These continue to rely on section 14 of FOIA. Although the University initially processed the request and provided answers to the question posed, there is nothing preventing it from claiming a late application of an exemption under FOIA.
10. The Commissioner is satisfied that section 14 of FOIA applies to the request and the following section of this notice will explain why.

Reasons for decision

11. Section 14 of FOIA entitles a public authority to refuse to comply with a request if it considers that request is vexatious.
12. The position of the University is that to continue responding to the request would place a significant burden on the University in terms of time and resources. It also believes based on its existing relationship and dealings with the complainant, that the purpose of the request is an attempt to allege wrongdoing by the University without any clear and logical basis for doing so, rather than being instigated by an objective public interest.
13. It explained how it has been in correspondence with the complainant and involved in a series of dispute resolution procedures since 2016, as

a result of them being withdrawn as a student from the University programme due to their failure to pay tuition fees on time.

14. In 2017 the complainant made a formal complaint under the University's complaints procedure. This was not upheld. They then attempted to re-join the programme in October 2017 but failed to do so. The complainant then appealed to the Vice-Chancellor. Again this was not upheld.
15. In 2018 the complainant made a complaint to the Office of Independent Adjudicator for Higher Education (OIA). This was not upheld.
16. The complainant then attempted to reopen the case with the OIA. But in January 2019 they were advised by the OIA that this would not be permitted.
17. The complainant then engaged external solicitors during 2021, threatening legal proceedings against the University. The University's external solicitors responded robustly but the complainant then sought to report them (inappropriately, in the University's view) to the Solicitor Regulation Authority.
18. During this period, it said, the complainant also submitted FOIA requests. Initially, the University sought to assist them and provide the requested information where available or where it was not exempt.
19. The University confirmed that all this has proved burdensome and used valuable resources, in circumstances where no channel has upheld any of the complainant's allegations. It stated that he has written on numerous occasions to officers across the University (including the Vice Chancellor) and continues to do so, despite being asked to cease and channel all communications through external solicitors.
20. In conclusion, the University considers the complainant's ongoing behaviour and unjustified actions are intended to be annoying and disruptive, as they seek to put pressure on the University to compensate them for a claim which it robustly denies, and which no other dispute resolution procedure has upheld.
21. It said it has now reached a tipping point with regards to the complainant's conduct and is no longer prepared to engage with them in relation to their vexatious campaign.
22. The Commissioner notes that the complainant has been in dispute with the University since 2016 and since they were withdrawn as a student due to their failure to pay tuition fees on time. They have used the University's internal complaints procedure, submitted a complaint to the Vice Chancellor, referred the matter to the OIA and engaged solicitors all

to no avail. Despite the outcome the complainant has received from a number of different channels (all rejecting their claims of wrongdoing) they refuse to consider this to be the end of the matter. The complainant's behaviour seems to suggest that regardless of the information disclosed and the response they receive, they will continue with this campaign placing even more burden on the University for a claim that has been robustly denied and defended from 2016 onwards.

23. The complainant's continuing behaviour is now placing an unjustifiable burden on the University and is causing disruption, irritation and distress. It is not an appropriate or justifiable use of FOIA. For these reasons, the Commissioner is satisfied that section 14(1) applies.

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

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