

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

### **Decision notice**

**Date:** 15 November 2023

**Public Authority:** Milton Keynes Council  
**Address:** 1 Saxon Gate East  
Central Milton Keynes  
MK9 3EJ

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

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1. The complainant has requested information from Milton Keynes Council ("the Council") relating to the replacement of doors on specific buildings.
2. The Commissioner's decision is that the Council is entitled to rely on section 14(1) (vexatious request) of FOIA to refuse to provide the requested information.
3. The Commissioner does not require the Council to take any steps.

#### **Request and response**

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4. On 10 August 2023, the complainant wrote to the Council and requested information in the following terms:

"The following 13 corner blocks numbered in fishermead numbering

Fishermead Boulevard

155a – f  
97a – f

Penryn Avenue

- 27a – f
- 28a – f
- 92a – f
- 86a – f
- 85a – f

Gurnards Avenue

- 92a – f
- 86a – f
- 85a – f
- 27a – f
- 28a – f
- 91a – f

1. Do all of the above have exterior doors on the exterior wall on the building with no locks on?\*
2. If so when were these “no lock” doors fitted?\*
3. Were the doors previous to the current “no lock” doors security coded?\*
4. The grilled gates to the aforementioned corner blocks. When were they installed?

\*reference to the doors NOT the grilled gates.”

5. The Council refused to provide the requested information citing section 14(1) (vexatious request) of FOIA as its basis for doing so.

**Reasons for decision**

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6. This reasoning covers whether the Council is entitled to rely on section 14(1) of FOIA to refuse to provide the requested information.

**The complainant’s position**

7. The complainant does not consider their request to be vexatious. In their internal review request, the complainant stated that their request has a serious purpose and value as its concerns public safety. The complainant therefore considers their request to be in the public interest.

8. The complainant acknowledged that the Council has assigned them a single point of contact and that they have been sent warning letters by the Council about their correspondence. However, the complainant does not consider this to be relevant as the warning letters did not relate to their request.

### **The Council's position**

9. The Council considers the request to be vexatious. In its submissions to the Commissioner, the Council explained that since November 2022, the complainant has made four information requests relating to the buildings listed in the request. The Council explained that the complainant has also sent a large volume of correspondence to Council employees and Councillors, often sending multiple emails in one day to multiple people and from multiple email addresses. The complainant uses derogatory language in their correspondence and as a result of this, the complainant has been assigned a single point of contact.
10. The Council explained that the complainant has previously submitted a complaint to the Regulator of Social Housing ("the Regulator") regarding the replacement of doors in the buildings listed in the request. In their complaint to the Regulator, the complainant stated that the buildings' security coded doors have been replaced with doors with no locks reducing the security of the buildings. This was a concern to the complainant as the complainant considers there to be significant anti-social behaviour in the area.
11. However, the Council explained that the Regulator has investigated the complainant's complaint and concluded that the Council has not breached consumer standards. The Regulator determined that whilst the doors in the buildings listed in the request had been replaced, access control systems were not removed. It also noted that the Council had adequate measures in place to review and monitor security and anti-social behaviour.
12. The Council considers that the complainant does not accept the findings of the Regulator's investigation and so the complainant is using their request to reopen the matters already investigated by the Regulator. The Council therefore considers the request to be an unjustified and improper use of a formal procedure.

### **The Commissioner's position**

13. The Commissioner notes that the complainant has sent a large volume of correspondence to the Council. Whilst the Commissioner considers that the request in this case would not impose a significant burden on the Council and its resources, he considers that the aggregated burden

of dealing with the complainant's correspondence will have placed a burden on the Council limiting the amount of time the Council is able to spend performing other duties.

14. Furthermore, the Commissioner notes that when corresponding with the Council, the complainant uses derogatory language. Whilst Council employees would be robust enough not to be overly disturbed by such correspondence, the Commissioner considers that the receipt of derogatory comments would irritate and annoy the Council employees.
15. The Commissioner accepts that the complainant is using their request to attempt to reopen the matters investigated by the Regulator. As the Regulator has already addressed the complainant's complaint about the replacement of doors, the Commissioner considers the request to lack a serious purpose and value. He also considers that compliance with the request would not resolve matters and would likely result in the complainant asking further questions and sending further correspondence to the Council.
16. Therefore, the Commissioner's decision is that the request in this case is vexatious and so the Council is entitled to rely on section 14(1) of FOIA to refuse to provide the requested information.

## 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 .....**

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