

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 July 2024

Public Authority: Somerset County Council
Address: County Hall
The Crescent
Taunton
Somerset
TA1 4DY

Decision (including any steps ordered)

1. The complainant has requested information about a Traffic Regulation Order. Somerset County Council ("the Council") determined the request to be vexatious and refused it under section 14(1) of the FOIA.
2. The Commissioner's decision is that the request was vexatious and therefore the Council was entitled to rely on section 14(1) of the FOIA to refuse the request.
3. The Commissioner does not require further steps.

Request and response

4. On 23 May 2023, during an email exchange with the Council, the complainant requested information in the following terms:
 - "1. Please provide the full Traffic Regulation Order (TRO) that you refer to in your email below.
 2. Please provide the minutes of the council meeting where and when it was "passed"
 3. Please provide the regulation/legislation reference for the same TRO if it is not contained within that specific TRO or the Council meeting minutes.

4. Please provide certifiable verifiable evidence that members of the Streetworks team were carrying out an "inspection in the vicinity" stating exactly what inspection were they carrying out on the date and at the specific time that I took the photograph of the SCC vehicle parked on wavy lines. Note that I am not asking for the names of staff members.
5. Please provide verifiable evidence that the vehicle in my photograph is a "council Highways Maintenance Vehicle" registration number [redacted].
5. The Council responded on 28 June 2024. It refused the request, citing section 14(1) (vexatious) of the FOIA, and maintained this position at internal review.

Reasons for decision

6. Section 14(1) of FOIA provides that a public authority is not obliged to comply with a request for information if the request is vexatious.
7. The term 'vexatious' is not defined in FOIA. The Commissioner's guidance¹ suggests that if a request is not patently vexatious, the key question the public authority must ask itself is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation, or distress.
8. FOIA gives individuals the right of access to official information in order to make bodies more transparent and accountable. As such, it is an important constitutional right. Therefore, engaging section 14(1) is a high hurdle.
9. The Upper Tribunal considered in some detail the issue of vexatious requests in the case of the Information Commissioner v Devon CC & Dransfield [2012] UKUT 440 (AAC)². The Tribunal commented that vexatious could be defined as the "manifestly unjustified, inappropriate or improper use of a formal procedure."
10. In the Dransfield case, the Upper Tribunal also found it instructive to assess the question of whether a request is truly vexatious by considering four broad issues: (1) the burden imposed by the request (on the public authority and its staff); (2) the motive of the requester;

¹ [Dealing with vexatious requests \(section 14\) | ICO](#)

² [Social Security & Child Support Commissioners \(tribunals.gov.uk\)](#)

(3) the value or serious purpose of the request and (4) harassment or distress of and to staff.

The complainant's view

11. The complainant does not believe their request is vexatious, and has stated it is not possible to access the information anywhere else. They contend the Council has not supplied a reasoning for finding them vexatious, and accuses it of acting against its own regulations.

The Council's position

12. The Council has stated that this is a pattern of requests dating back to 2022, when the complainant made a subject access request (SAR) asking how the Council had processed their personal data when issuing a parking fine. It notes the complainant requested numerous documents the Council does not hold, and after the request was refused as manifestly vexatious, their correspondence became accusatory and aggressive.
13. It believes the complainant's purpose in making a FOIA request is a further attempt to delay and disrupt the collection of a parking fine. It has argued the request has no serious value or purpose, and if the complainant disagrees with their parking fine, they should follow the set PCN appeals process. It also noted the complainant has accused the Council of lying and dictatorship, and considers this harassment.

The Commissioner's position

14. The Commissioner understands the complainant made their request after sending a picture of a Council vehicle parked on zigzag lines while performing highway maintenance. When the complainant queried the legality of this, the Council referred to the mentioned Traffic Regulation Order, which states local authority vehicles are exempt when undertaking statutory duties. The complainant then requested the full Traffic Regulation Order, as above.
15. The Commissioner agrees there does not appear to be any great value to the request. He believes it is generally understood local government officials may be exempt from some laws and regulations in the course of carrying out their duties.
16. The Commissioner also notes the complainant's tone and language when in communication with the Council have frequently been aggressive and accusatory. In their request, they accused the Council of being a dictatorship, and of subrogation, coercion, entrapment, slavery, and treason. The Commissioner considers it likely this would harass and distress Council staff.

17. Furthermore, the complainant also stated in their request:

"At present it's not my intention to make this or associated information available to the public general due to the anger and the civil unrest that would occur. But nonetheless it will be made public if I'm forced to carry on through the court system and add the evidence (and the names of those involved [redacted])"

18. This stated intention is at cross-purposes with the FOIA, which is intended to provide public access to information held by public authorities. It is not intended to be used for an individual's personal gain, or as part of a threat against a public authority. This suggests the complainant is not using the FOIA for its intended purpose.

19. The complainant references their own Parking Contravention Notice (PCN) in the request, and alleges the Council vehicle in question is parked in the same place as their own vehicle was when they received the PCN. Although the FOIA is applicant blind, the Commissioner agrees that it appears from their request is motivated by dissatisfaction with the PCN.

20. The Commissioner does not accept that complying with this request would inflict undue burden on the Council. In particular, he notes the complainant made one previous information request in December of 2022, and so this could not be considered a *pattern* of requests.

21. However, having reviewed the correspondence between the complainant and the Council, he agrees that it represents a pattern of behaviour, which is likely to negatively impact the Council's ability to do its work. He also believes that the way in which the requester is engaging with the Council, in particular the accusatory nature of communication, is likely to cause harassment and distress for staff.

22. For these reasons, the Commissioner's decision is that the Council were entitled to rely on section 14(1) to refuse this request.

Right of appeal

23. 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

24. 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.
25. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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