

Freedom of Information and Vexatious Requests Policy

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1. Introduction

The Council is committed to openness, transparency and accountability in its decision-making and recognises the public's right to access information under the Freedom of Information Act 2000 (FOIA).

The Council will endeavour to respond to all requests for information openly and constructively. However, the FOIA recognises that in limited circumstances a request may be refused if it is considered vexatious under Section 14(1) of the Act.

This policy sets out the principles and process the Council will follow when considering whether a request may be deemed vexatious.

2. Scope

This policy applies to requests for recorded information made under the Freedom of Information Act 2000.

It does not apply to:

- Subject Access Requests made under data protection legislation;
- Routine correspondence or complaints;
- Requests made under the Environmental Information Regulations 2004, which are subject to different legal provisions.

3. Policy Statement

The Council will only refuse a request as vexatious in exceptional circumstances and after careful consideration of all relevant factors.

A request will not be refused simply because:

- It is inconvenient;
- It is critical of the Council;
- It causes embarrassment;
- The requester is persistent or has made previous requests.

Each request will be assessed fairly, objectively and on its individual merits.

4. What is a Vexatious Request?

The Freedom of Information Act does not provide a strict definition of a vexatious request. The Council will consider whether a request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress without a corresponding public benefit.

In determining whether a request is vexatious, the Council will consider the circumstances surrounding the request as a whole.

5. Factors the Council May Consider

5.1 Serious Purpose or Value

The Council will consider whether the request has a genuine purpose or value, including whether it seeks information that may:

- Promote transparency and accountability;
- Improve public understanding of Council decisions;
- Assist public debate;
- Enable scrutiny of the Council's activities.

The Council recognises that a request may have value even where it benefits only the requester.

However, a request may have limited value where:

- The issues raised have already been fully addressed;
- The information has previously been provided;
- The request duplicates previous correspondence without reasonable justification.

5.2 Burden on the Council

The Council may consider whether the request would place a significant and disproportionate burden on its resources.

Relevant factors may include:

- The volume of information requested;
- The time required to locate, retrieve and review information;
- The impact on staff resources and service delivery;
- Whether the request forms part of a series of related requests.

As a small local authority with limited staffing and resources, the Council may take its size and capacity into account when assessing the impact of a request.

5.3 Harassing or Distressing Effect

The Council may consider whether a request:

- Contains abusive, hostile or offensive language;

- Makes unfounded accusations against councillors or staff;
- Forms part of behaviour that has the effect of harassing individuals;
- Is likely to cause unjustified distress to those dealing with the request.

The Council will distinguish between robust criticism and genuinely unacceptable conduct.

5.4 History and Context

The wider context may be relevant, including:

- Previous requests on the same subject;
- Previous responses provided by the Council;
- Patterns of repetitive or overlapping requests;
- Ongoing disputes or complaints.

The Council will consider both the request itself and the context in which it has been made.

6. Alternative Approaches

Before refusing a request as vexatious, the Council will consider whether a more reasonable approach is available.

This may include:

- Seeking clarification from the requester;
- Offering advice and assistance;
- Helping the requester narrow the scope of the request;
- Providing information already held and easily available;
- Applying another relevant exemption where appropriate.

The Council will seek to assist requesters wherever reasonably possible.

7. Decision-Making Process

A decision to refuse a request as vexatious will:

- Be based on evidence and documented reasoning;
- Consider all relevant circumstances;
- Be proportionate and objectively justified;

- Be authorised by the Clerk or another designated officer acting under delegated authority.

Where appropriate, advice may be sought from the Council's legal advisers or professional bodies.

8. Refusal Notices

Where a request is refused under Section 14(1) of the Freedom of Information Act 2000, the Council will normally issue a refusal notice within 20 working days.

The refusal notice will:

- Explain that Section 14(1) has been applied;
- Provide a summary of the reasons for the decision;
- Explain the Council's internal review procedure; and
- Inform the requester of their right to complain to the Information Commissioner's Office (ICO).

9. Internal Review

Any requester dissatisfied with a decision may request an internal review.

The review will normally be conducted by an officer or councillor who was not involved in the original decision wherever practicable.

The Council will aim to complete internal reviews within 20 working days and, in complex cases, no later than 40 working days.

10. Record Keeping

The Council will maintain appropriate records of:

- Requests considered under this policy;
- Evidence relied upon;
- Decisions taken;
- Internal reviews conducted.

These records will assist the Council in demonstrating compliance with its statutory obligations.

11. Equality and Fairness

The Council will apply this policy consistently and fairly and will not discriminate against any individual or group.

Legitimate requests for information will always be considered on their merits regardless of the identity of the requester.

12. Review of Policy

This policy will be reviewed every three years, or sooner if required by changes in legislation, case law or guidance issued by the Information Commissioner's Office.

13. References

This policy was created using information from the ICO webiste.

Dealing with vexatious requests (section 14) | ICO