



Appeal Number: EA/2012/0033

**IN THE MATTER OF AN APPEAL TO THE FIRST-TIER TRIBUNAL (INFORMATION RIGHTS) UNDER SECTION 57 OF THE FREEDOM OF INFORMATION ACT 2000**

**Dated: 29 May 2012**

**BETWEEN:**

**Appellant: Mr Robyn Dadswell**  
**Respondent: The Information Commissioner**  
**Decision by: Robin Callender Smith**  
**(Tribunal Judge)**

**RULING**

On consideration to strike out the Appellant's grounds of appeal pursuant to rule 8(3)(c) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (The Tribunal Rules).

**DECISION**

The Appellant's appeal is struck out under the provisions of rule 8 (3) (c) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009.

**REASON FOR DECISION**

**Background**

1. On 18 June 2011 the Appellant wrote an 11-page letter to Bradford Metropolitan District Council. It comprised of 122 separate questions. 93 of those questions were to be put to one named member of staff and a further 29 questions were directed at a second named member of staff.
2. The Decision Notice issued by the Information Commissioner on 18 January 2012 (FS0404233) had attached to it an 11 page annex reproducing those questions.
3. The Appellant's questions related to matters of dispute between him and Bradford Metropolitan District Council in respect of his property and that of his neighbours.
4. The Information Commissioner decided that – given the number of the Appellant's requests – a proportion of them were unlikely to be valid requests for information in terms expressed by the Freedom of Information Act 2000.
5. The Information Commissioner decided that Bradford Metropolitan District Council had correctly refused the Appellant's requests as vexatious.

## The Decision Notice

6. The Decision Notice, at Paragraph 5, notes that the District Council had responded to the Appellant on 6 July 2011. It had stated that the questions sought to generate new information and not to access information already held by the Council.
7. The Appellant had progressed his issues and concerns through the Council's formal, two-stage complaints procedure and had been provided with responses accordingly.
8. The Metropolitan District Council had already responded to three previous FOIA requests from the Appellant, including one that was taken as far as an internal review.
9. In terms of the vexatious nature of the requests the Council had concluded as follows:
  - the Appellant's requests were asking a series of questions under FOIA which were not FOIA requests but which were actually interrogatory questions seeking for opinion or views;
  - the questions related to complaints which had been fully dealt with under the Council's complaints procedures;
  - The Appellant's repeated requests were disruptive and had the effect of frustrating and unduly harassing Council officers;
  - the Appellant's continual requests repeatedly and unreasonably demanded information that had already been supplied;
  - The requests could also be characterised as obsessive in relation to the matter and – in the circumstances – were manifestly unreasonable; and
  - the information requests would place a disproportionate resource burden on the Council in attempting to deal with the concerns of the Appellant and would divert staff from other matters.
10. The Information Commissioner concluded that the Appellant's requests, while citing the planning cases pertinent to the underlying dispute, were concerned with an investigation conducted by the Council at the Appellant's instigation into a complaint about its handling of matters of compliance with planning and building regulations.
11. It was, therefore, "information about" the Council's handling of a planning matter. That was the least one step removed from the planning matter itself and the Information Commissioner was satisfied that this was sufficiently 'arms-length' from the planning matter not to be considered under the Environmental Information Regulations. The correct legislation in respect of the requests was FOIA.
12. The Appellant had contacted the Information Commissioner to complain about the way his requesting of information had been handled. He had explained that his requests always attempted to "keep strictly to facts" and he argued that all of his questions should be viewed as FOIA requests because they related to factual information. He wanted the Information Commissioner to put the series of questions to the Council.

13. The Appellant believed that the Council's complaints handling procedure was flawed and that the procedure set out by the Council had not been complied with by its staff in his case.
14. He did not accept that his complaints had been fully dealt with under the relevant complaints procedures and he rejected the characterisation of his requests as vexatious.

#### The Appeal and the Appellant's comments in respect of the matter being Struck Out

15. The Appellant's grounds of appeal dated 13th of February 2012 run to 21 pages.
16. His comments on why the matter should not be struck out contained in an e-mail dated 4 April 2012. He states that he believes that the Information Commissioner has acted unlawfully and that he should give his reasons for why he did what he did on oath before the Information Rights Tribunal (in addition to requiring Bradford Metropolitan District Council to face the same process under oath).

#### Conclusion

17. I have no difficulty, having read all the papers in this matter, in concluding that both the Metropolitan District Council and the Information Commissioner have come to a reasonable and reasoned conclusion in respect of the Appellant's serial requesting.
18. The Appellant's appeal has no realistic prospect of success because of the volume of the questions he has posed. A single request comprising 122 separate questions – 93 of which were aimed at one named member of staff and 29 of which were directed at another named member of staff – inevitably creates a significant burden in terms of expense and distraction and raises issues in relation to be vexatious.
19. The questions to which he is seeking an answer are aimed at verifying information already known to him either from his personal experience or because he's previously been provided with information by the Metropolitan District Council.
20. Anyone being required to answer a series of 93 questions of an interrogatory nature is likely to feel harassed by the sheer volume of what is being requested.
21. The Appellant may not like being characterised as vexatious but that has been the effect of the way in which he has sought information from the Metropolitan District Council. I note that this is not his first series of requests in respect of matters relating to his property and matters associated with it.
22. For these reasons there is no realistic prospect of this appeal succeeding and, having given notice to the Appellant that I would consider the matter in the way that I have, I have arrived at this conclusion despite the further representations that he made in his e-mail dated 4 April 2012.
23. This appeal will be struck out on that basis.

Robin Callender Smith  
Tribunal Judge  
29 May 2012