



**IN THE FIRST-TIER TRIBUNAL  
INFORMATION RIGHTS  
GENERAL REGULATORY CHAMBER**

**Case No. EA/2015/0248**

**ON APPEAL/APPLICATION FROM:**

**Information Commissioner's  
Decision Notice No: FS50583287  
Dated: 6 October 2015**

**Appellant:** Lisette Granados

**Respondent:** The Information Commissioner

**Heard at:** Exeter Magistrates' Court

**Date of hearing:** 5 April 2016

**Before**

**Chris Hughes**

**Judge**

**and**

**Suzanne Cosgrave and John Randall**

**Tribunal Members**

**Date of decision:** 15 April 2016

**Attendances:**

For the Appellant: In person

For the Respondent: no attendance

**Subject matter:**

Freedom of Information Act 2000

**Cases:**

Information Commissioner v Devon County Council and Dransfield GIA/3037/2011

Wise v The Information Commissioner (GIA/1871/2011)

**DECISION OF THE FIRST-TIER TRIBUNAL**

The Tribunal upholds the decision notice dated 6 October 2015 and dismisses the appeal.

## REASONS FOR DECISION

### Introduction

1. The Appellant in these proceedings has been a resident in the area of North Huish Parish Council for over 20 years. She has been involved in various activities in the village and attends meetings of the Council; frequently intervening in the Open Forum session which (as is common practice of many parish councils) is held at the start of meetings.

2. Shortly after a meeting of the Parish Council on 3 March 2015 the draft minutes were published:-

*“...Ms Granados raised further complaints concerning the minutes of previous meetings. After a discussion with Councillors she was informed that the Council felt that it had answered all of her queries at previous meetings and that the Council considered that her complaints were unfounded.*

*The Chairman read a letter from Cllr [name redacted] in which he submitted his resignation from the Council. He stated in his letter that his -*

*“Resignation had nothing to do with his fellow Councillors, all of whom he had great respect for. His wish to leave the Council was because of the totally unacceptable treatment of Parish Councillors by one particular parishioner who, in recent times, had taken to making constant and personal attacks on Councillors, making it very difficult for them to serve the community properly”.*

*The Chairman expressed the sorrow of the Council at losing Cllr [name redacted] who was highly valued by everyone and who had given so much for the benefit of the Parish. It was such a shame that one parishioner should have had such a detrimental effect on the work of the Council by behaving in this manner”*

3. On 19 March 2015, the complainant sent 4 emails to North Huish Parish Council and requested information in the following terms:

*1 “Please would councillors provide details as to the complaints that I have brought to council that they feel were ‘unfounded’.”*

2 *“In addition to the list of complaints that council feel are unfounded as stated in the minutes of 3rd March 2015 please would you provide the evidence to back up that statement.”*

3. *“Please would councillors provide details of the complaints that were brought to council by me and that they feel were ‘unfounded’.”*

*“Please would you provide any written letters, statements, legislation, council’s correspondence or records supporting as evidence council’s conclusion that the complaints listed were unfounded.”*

*“Please would councillors provide details of the ‘unreasonable treatment’ and ‘constant attacks on councillors’ in list form with dates.”*

*“Please would you provide any written letters, statements, audio recordings, council’s correspondence or records supporting as evidence these listed incidents.”*

*“Please would councillors provide details on what action they took in order to protect councillors so that councillors will not resign.”*

4 *“Please would you provide me with a copy of [name redacted] resignation as a parish councillor with North Huish Parish Council.”*

4. Two days later she asked:-

*“Please would you provide me with the name/s of the persons who approved the Minutes of 3rd March 2015 for public viewing on the parish council website and the noticeboards in the parish.”*

5. The Council refused the requests on the grounds that they were vexatious within section 14(1) FOIA.
6. The Appellant complained to the Respondent (“the ICO”) on 14 April. In his investigation the ICO (in the light of the guidance provided in *Information Commissioner v Devon County Council and Dransfield GIA/3037/2011*) applied a holistic approach, looking whether the request was manifestly unreasonable, irresponsible and whether the course of dealings indicated a lack of proportionality on the Appellant’s part. He considered issues of the burden imposed on the Parish Council and its members, the motive of the requester, the

value or serious purpose of the requests and any harassment of or distress to the Council and its staff and members.

7. In its response to the ICO's questions the Parish Council explained that it had considered the ICO's guidance on vexatious complaints and felt that there were nine out of thirteen indicators which applied (decision notice paragraph 31):-

*"The request has placed presented the Council with an undue burden.*

*It is motivated by what appears to be a personal grudge against the Council's clerk.*

*The complainant has used language that goes beyond the level of criticism that a public authority should reasonably expect to receive.*

*There has been undue persistence in attempting to reopen an issue that has been comprehensively addressed by the Council.*

*The complainant has made unfounded accusations against the clerk.*

*The complainant has adopted an unreasonably entrenched position.*

*The complainant has made frequent and overlapping requests.*

*The matter pursued by the complainant is relatively trivial and requires a disproportionate effort on the part of the Council. The Council points out that it has only 7 members and its precept this year was £1,500: It does not employ any paid staff and the Council's work is carried out voluntarily.*

*The complainant's request would serve little purpose in that the information has already been dealt with or is available to the requester. The complainant has made no obvious attempt to obtain the available information and the Council strongly asserts that the complainant already has all the information the Council holds and which she seeks in her four requests above."*

8. It stated that it had dealt fairly with her and had tried to answer her questions, however she appeared unable to accept the answers and would repeat the question. She had made repeated complaints to the ICO and the District council which had not been upheld. She had made allegations against the Clerk of criminal activity; the accusations had been referred to the Police. With respect to the two issues raised by the requests for information, the first had been dealt with repeatedly (DN

paragraph 29) and with respect to the second (the resignation letter) since she had been present in the meeting when the letter was read out and the body of the letter was in the minutes there was no more to add (paragraph 30). Answering the requests would be unreasonable, onerous and serve very little purpose.

9. In his consideration the ICO noted that there was a pattern of behaviour and the requests could not be considered in isolation; they were part of a sustained campaign. There was a significant volume of correspondence which caused harassment. The information sought was of limited value, it was not serving a wider public interest. He noted the decision in *Wise v The Information Commissioner (GIA/1871/2011)* :-

*“...there must be an appropriate balance between such matters as the information sought, the purpose of the request and the time and other resources that would be needed to provide it.”*

10. The ICO concluded that the requests were disproportionate and vexatious. he upheld the position of the Parish Council.
11. In her voluminous statement of appeal the Appellant argued that her requests had a genuine purpose and value and would help hold the Council to account. She raised doubts as to whether the letter of resignation had been written by the ex-councillor concerned. She argued that the information sought was small and not burdensome to supply. She agreed that she had sent “loads and loads of emails” however this was justified by the roles she had within the village and the need to obtain information from the Council which failed to meet residents’ expectations with respect to services that it refused to provide. The statement of appeal provided extensive details of many issues where she was in conflict with the Council.
12. The ICO resisted the appeal arguing there was no reasonable foundation for thinking that the information sought would be of value to the requester or to the public or a section of the public.

### The question for the Tribunal

13. The issue for the tribunal is whether as a matter of law the ICO was entitled to find on the evidence that the requests were vexatious and that answering the

Appellant's requests would be unreasonable, onerous and serve very little purpose.

## Evidence

14. In her presentation to the tribunal the Appellant objected to the use of the word "unfounded" in the minutes. Since there was no detail in the minutes they were not a true and accurate minute. She had had two complaints, the Council had not followed its own complaints procedure in December 2014 and her second complaint was that the minutes of the January and February meetings 2015 said completely different things from what she had said in those meetings. She claimed that the Council had said that it would correct them and instead the March minutes had been produced. The requests were part of a broader complaint to the South Hams District Council which related to the Parish Council's behaviour towards her.
15. The requests would validate her claim that she had not been told the truth. A councillor had resigned and she wished to know why. There was a serious statement from an ex-councillor with "little information in the letter to support it". She felt that it was illegal for the Council not to exercise its powers and provide allotments.
16. The Appellant in response to questions from the tribunal gave an account of why she disliked the Clerk to the Council and his wife. She had come into conflict with the wife of the Clerk to the Council in about 2002. There was discussion in a group of which they were both officers as to what should happen with some funding raised in the village as part of the Millennium celebrations. The Appellant had wished to use it to purchase a village notice board and a bench; however the [name redacted - wife] arranged for the money to be paid into the Parish Council's funds. The Appellant was upset at the time and complained to the Council. In an email of 9 December 2014 which (on her account) she had not intended to send to them she stated (referring to them):-  
  
*"...I have to say I really dislike that couple completely they have no integrity".*  
  
When she realised that she had inadvertently sent it to them she further emailed them:-



*“Obviously an email slipped your way which wasn’t intended. However I view you both as people. It may be best to disregard that email if it is discussed and investigated I certainly have a clear conscience and it would be in your interest not to dig up old and current matters (which could be viewed as criminal activity) that led me to write such a sentence.”*

17. With respect to the letter of resignation the appellant confirmed that she was not aware of any concern from the individual who had resigned or from other residents of the Parish about whether the minutes accurately reproduced the letter. She stated:- *“the reason I was concerned was that it was right next to my name.* She wished to see the letter:- *“so it can confirm it is the words written by [name redacted].*

### Consideration

18. The tribunal noted that between November 2013 and March 2015 the Appellant had sent 76 emails to the Parish Council of which 65 were queries, requests or complaints. The Parish Council is seven volunteer councillors and a clerk and has an annual budget of £1500. There is a significant history of unsuccessful complaints by the Appellant about the council (including to the Monitoring Officer alleging misconduct by councillors).
19. There is a long-standing history of mistrust on the part of the Appellant; the account she gave of the background to the 9 December 2014 e-mails indicates a significant lack of judgement as to the original event – which on her account seem to the tribunal to be a proper exercise of stewardship of public funds on the part of the individual accused by the Appellant. It further demonstrates a capacity to bear a grudge for a very protracted period of time. The recipients of the e-mails would be entitled to feel that they had been the subject of serious harassment.
20. There is no evidence of public interest or concern about the issues she has raised; rather there is clear evidence of an obsessive pursuit of greivances which are of

purely personal interest. In the circumstances the requests impose a burden on the Council out of all proportion to any public benefit and are part of a campaign of harassment of the Council. The ICO in his decision notice correctly characterised this as vexatious and the tribunal upholds that decision. The appeal is dismissed.

21. Our decision is unanimous

Judge Hughes

[Signed on original]

Date: 15 April 2016