



**First-tier Tribunal
(General Regulatory Chamber)
Information Rights**

Appeal Reference: EA/2016/0173

**Consideration of papers at Residential Property Tribunal, Alfred Place WC1
On 15 December 2016**

Before

**CHRIS HUGHES
HENRY FITZHUGH
NARENDRA MAKANJI**

Between

DEBORAH BRYCE

Appellant

and

THE INFORMATION COMMISSIONER

Respondent

DATE OF PROMULGATION: 21TH DECEMBER 2016

Subject matter:- section 14 FOIA

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

DECISION AND REASONS

1. Ms Bryce has for some years been concerned about the handling of information concerning alumni of Trinity Hall (a College in the University of Cambridge) by that College and has made a number of FOIA requests to that College (and to the University) about that matter and related subjects. She has

also raised complaints under the Data Protection Act arising out of the same issue.

2. On 3 December 2014 she wrote to the Master of the College a ten part request for information (printed in full in the Respondent's decision notice FS50588826) asking about bans placed on her, related documents and copies of various College procedures.
3. On 16 December 2014 she followed this up with a further detailed information request (also set out in decision notice FS50588826) which (inter alia) asked for copies of the College's responses to previous FOIA requests that she had made.
4. The College did not respond. Following the intervention of the Respondent the College responded. It confirmed that no information was held on two novel points in the requests and with respect to the rest it relied on the exemption in s14(2) of FOIA:-

"as we believe the requests are identical or substantially similar to requests made previously and responded to, in many cases, on numerous occasions."

5. On internal review this position was maintained. The Appellant pursued her complaint to the Respondent who conducted an investigation; during the course of which the College also relied on s14(1) that the requests were vexatious. The Respondent, in her decision notice ("DN"), considered whether the grounds for considering the requests were vexatious in the light of the guidance in the leading case on the question of section 14(1) *"Information Commissioner v Devon County Council and Dransfield"*; exploring the circumstances of the case in the light of various indicators discussed in *Dransfield* and recognising the:-

"importance of adopting a holistic and broad approach to the determination of whether a request is vexatious or not, emphasising the attributes of manifest unreasonableness, irresponsibility and, especially where there is a previous course of dealings, the lack of proportionality that typically characterises vexatious requests."

6. The Respondent reviewed the examples of the Appellant's requests, the responses by the College to the Respondent and the impact on the College of the requests and its view of their value and purpose (DN paragraphs 23-27). The Respondent assessed (DN paragraph 29):-

"whether the level of disruption, irritation or distress caused to the authority by the request is disproportionate or unjustified, when weighed against the purpose and value of the request. When making the assessment, he has also taken into account the context and history of the request, i.e. the wider circumstances surrounding the request."

7. The Respondent (DN paragraphs 28-33) concluded that the College had devoted considerable time to unsuccessfully resolving the matter, responding

to the requests would not bring things to a conclusion, it was reasonable to conclude that any response would generate further requests and:-

"There comes a point when the action being taken and the associated burden being imposed on the authority is disproportionate to the objective that the complainant is attempting to achieve. In the Commissioner's view, that point has been reached in this case."

8. The Respondent found that the College was entitled to apply s14(1) FOIA to the requests.
9. In her notice of appeal the Appellant confirmed that she still wanted the information, she considered the Respondent's decision-making was flawed and *"I seek corrections of claims made about me in the decision notice"*. She set out at length her views of factual inaccuracies in the decision notice, raised many issues relating previous handling of her requests under DPA and FOIA. She stated:-

"Incorrect claims and information, lack of certainty about what has happened and failure to identify contributory factors indicate the conclusions drawn in the DN are inaccurate and need to be reviewed."

10. The Respondent, in resisting the appeal, maintained the position set out in the decision noticed, drew attention to binding authority that the public body is entitled to rely on further exemptions which it did not originally claim and reminded the Tribunal that the appeal should be against the actual decision of the Respondent and not about the wording of the decision notice:-

"To the extent that the appellant's concerns are of this nature, the Commissioner would submit that they do not disturb the DN and should be dismissed."

11. The Appellant responded to this and returned to her claims that she had not received much of the information, she claimed that the Respondent had incorrectly assumed that she was therefore deliberately harassing the College by asking for the information repeatedly and that she had no serious purpose in making the requests. However she did not specify what the serious purpose or benefit was, merely claiming that (at some unspecified date) the College had acknowledged that:-

"the Appellant had a reason to make the requests."

12. In replying specifically to the Respondent's Response to the Tribunal she criticised the conduct of the College, disputed the relevance of the *Dransfield* case, challenged the impartiality of the Respondent and challenged the accuracy of the Respondent's findings of fact.

Consideration

13. In considering the case the Tribunal was aware of the importance to citizens of the right of access to information held by public bodies. Proper information about how and why public bodies make decisions is the lifeblood of public discourse and fundamental to the health of democracy. However while public bodies make considerable volumes of information readily available on websites at virtually nil cost, the finding and supply of other information inevitably takes time and effort and can divert energy from the purposes for which the public body was established, in this case the primary functions of the College are to secure public benefit by the provision of education and the pursuit of research and scholarship. The protection of the resources of the public body from unproductive searches for information is partially achieved by section 14 FOIA which allows to body to refuse to comply with repetitive or vexatious requests for information.
14. The Respondent in her decision notice set out much of the background to the requests and the substantial burden placed on the College by the Appellant's multiple requests for information, much of it publicly available or already provided. It is clear that the Appellant has created a significant burden on the College by her requests sent to different persons (including the Master). It is clear that she is using the provisions of FOIA to pursue a personal dispute which she has with the College and, as the Respondent correctly pointed out (see paragraph 7 above) the provision of replies to the requests would not resolve the underlying issue. The Tribunal is satisfied that the requests for information are an abuse of the statutory right, there is no serious purpose to the requests. The Respondent fully and fairly explored the issues in her decision notice and the Appellant in her appeal has raised no credible grounds to interfere with the Respondent's decision.
15. The appeal is dismissed.
16. Our decision is unanimous.

Signed Christopher Hughes

Judge of the First-tier Tribunal

Date: 18 December 2016