

Freedom of Information Act 2000 (Section 50) Environmental Information Regulations 2004

Decision Notice

Date: 10 November 2009

Public Authority: Stockport Metropolitan Borough Council
Address: Town Hall
Edward Street
Stockport
SK1 3XE

Summary

The complainant requested information from Stockport Metropolitan Borough Council ("the Council") relating to the issue of redundant school land not meeting expectations in the current financial crisis. The Council refused to comply with the request on the grounds that it considered it to be vexatious under section 14 of the Freedom of Information Act 2000 ("the Act"). However, the Information Commissioner (the "Commissioner") found that some of the information requested would, if held, be environmental information and should have been considered under the Environmental Information Regulations. Upon investigation the Commissioner concluded that the Council had provided sufficient evidence for section 14(1) of the Act to be engaged and that it was not obliged to comply with the request as it was manifestly unreasonable under regulation 12(4)(b). However, the Commissioner also found that the Council breached section 10(1) and section 17(5) of the Act for not responding within the statutory time limit and that by failing to deal with the request under the EIR the Council also breached regulation 14(2) and 14(3) but the Commissioner is not required to take any further steps in respect of this complaint.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Act. This Notice sets out his decision.
2. The Environmental Information Regulations (EIR) were made on 21 December 2004, pursuant to the EU Directive on Public Access to Environmental Information (Council Directive 2003/4/EC). Regulation 18 provides that the EIR shall be enforced by the Commissioner. In effect, the enforcement provisions of Part 4 of the Freedom of Information Act 2000 (the "Act") are imported into the EIR.

Background

3. The complainant has made six section 50 complaints against the Council to the Information Commissioner ("the Commissioner"), including the one in this case, regarding the issue of a proposed school. Four of these cases have been informally resolved and one has yet to be decided.

The Request

4. On 1 December 2008, in response to the Council sending the complainant a web link to a publicly available report entitled 'Second Quarter 2008/09 Capital Programme Report', which itself was part of a response to an earlier information request, the complainant made the following request;

"I would like to see any background documents please. I assume there are some regarding the issues of redundant school land not meeting expectations in the current financial crisis.

Also, I would like to see documents regarding the following:-

'The Strategic Capital Group will review all projects being supported by capital receipts and will report back to the Executive Councillor Finance with a plan to balance the funding position. The financial effect of any temporary funding through prudential borrowing that might be required will also be outlined'."

5. The complainant wrote to the Council chasing a response to the request on 20 January 2009.

The Investigation

Scope of the case

6. On 30 January 2009 the complainant contacted the Commissioner to complain about the lack of response to her request for information.
7. The Commissioner has considered whether the Council was correct to apply section 14(1) of the Act and whether it responded to the request in accordance with the relevant procedural requirements. As the Commissioner considers that some of the information requested would be Environmental Information he has also considered the application of regulation 12(4)(b) of the EIR, the 'manifestly unreasonable' exception.
8. During the course of the Commissioner's investigation the complainant requested that the Commissioner also deal with other information request issues that she has with the Council 'in one go'. The complainant was informed that the

Commissioner will investigate complaints individually so that an assessment of compliance with the legislation can be based on the merits of the individual cases.

Chronology

9. The Commissioner telephoned and wrote to the Council on 10 February 2009 requesting that it respond to the request within 10 working days from receipt of the letter.
10. On 11 February 2009, in relation to a separate request relating to the proposed school, the Council wrote to the complainant warning that any further requests may be deemed vexatious and provided reasons why referring to the Commissioner's guidance on the subject.
11. The complainant responded to the Council on the same day asking nine questions which had not previously been answered by the Council. The complainant then wrote to the Council on 12 February 2009 and twice on 17 February 2009 in connection with requests relating to the proposed school.
12. On 20 February 2009 the Council wrote to the complainant stating that it would not be responding to her nine current requests, including the one in this case, as they are vexatious as defined in section 14(1) of the Freedom of Information Act 2000. The Council provided its reasons why it deemed the requests vexatious.
13. The complainant requested a review of the Council's response on 22 February 2009. She also wrote to the Council in connection with the review on 23 and 24 February 2009, 2, 12 and 17 March 2009, 1 April 2009 and 11 April 2009.
14. During a telephone conversation between the Council and the Commissioner on 27 February 2009, the Council informed the Commissioner that it did not receive a copy of the request for a review as the volume of emails and attachments sent by the complainant on 20 February 2009 had closed down the Council's inbox for that weekend.
15. The Commissioner wrote to the Council on 2 March 2009 recommending that it respond to the request for review within 20 working days of the date of the request.
16. On 22 April 2009, the Council responded to the complainant's request for a review. It stated that after having reviewed the large amount of correspondence on the matter and considered the Commissioner's guidance on vexatious or repeated requests, it upheld the decision to label the category of requests regarding the proposed school as vexatious in accordance with section 14(1) of the Act.
17. The complainant wrote expressing her dissatisfaction with the review response and making further information requests on 23 and 24 April 2009, and 2 and 6 May 2009.

18. On 28 May 2009 the Commissioner wrote to the Council requesting further arguments as to why the Council considers the request vexatious and received a detailed response on 21 August 2009.

Analysis

Substantive Procedural Matters

Applicable Legislation

19. Environmental Information is defined in regulation 2(1) of the EIR and includes information on plans likely to affect the state of the elements of the environment. The full wording of this regulation is provided at the legal annex to this notice.
20. The Commissioner takes the view that this is a request where the provisions of both the Act and the EIR will apply. In reaching this view the Commissioner has considered the wording of the request and the contents of the 'Second Quarter 2008/09 Capital Programme Report'. He has concluded that if any background papers to this report, or plans for balancing the funding position on projects supported by capital receipts, were held by the Council, then they would be likely to contain a mixture of environmental information and non-environmental information. This is because some of the underlying projects are building and redevelopment projects which he considers would qualify as measures likely to affect the state of the land and landscape. Any information on these projects would therefore fall within the definition of environmental information. However, some of the underlying projects are not building and redevelopment projects and thus any information on these projects would not be environmental information and would fall to be considered under the provision of the Act.

Section 14 – Vexatious or repeated requests

21. The Commissioner has considered whether the Council correctly applied section 14(1) of the Act to the complainant's requests for information.

Vexatious requests

22. Section 14(1) states:

“Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious”.

23. The Commissioner's Awareness Guidance on the subject of vexatious and repeated requests¹ states:

“Deciding whether a request is vexatious is a balancing exercise, taking into account the context and history of the request. The key question is whether the

¹http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/awareness_guidance_22_vexatious_and_repeated_requests_final.pdf

request is likely to cause unjustified distress, disruption or irritation. In particular, you should consider the following questions:

- Could the request fairly be seen as obsessive?
- Is the request harassing the authority or causing distress to staff?
- Would complying with the request impose a significant burden in terms of expense and distraction?
- Is the request designed to cause disruption or annoyance?
- Does the request lack any serious purpose or value?"

Context and history

24. The Council provided a summary of events to demonstrate that it has considered the request in the context and history of the issue. A request may not be vexatious in isolation but when considered in context it may form a wider pattern of behaviour that makes it vexatious. This was the view of the Tribunal in *Betts v Information Commissioner EA/2007/0108* (19 May 2008). In that case the Tribunal considered not just the request but the background and history to the request as part of the long drawn out dispute between the parties. That request was considered vexatious when viewed in context as it was a continuation of a pattern of behaviour.
25. The Commissioner notes in his Awareness Guidance on the subject of vexatious and repeated requests that it is the request, not the requester, that must be vexatious and therefore consideration has been given to the five questions set out at paragraph 23.

Could the request fairly be seen as obsessive?

26. In his Awareness Guidance on the subject of vexatious and repeated requests the Commissioner recognises that obsessive requests are usually a very strong indication of vexatiousness. The guidance states that:

"Relevant factors could include the volume and frequency of correspondence, requests for information the requester has already seen, or a clear intention to use the request to reopen issues that have already been debated and considered".
27. The Council have submitted that the complainant made 279 information requests since the introduction of the Act, of which at least 159 relate to the proposed school and only 34 of these had been refused. In relation to the frequency of requests the Council stated that on one particular day, namely 28 August 2008, the complainant made five requests in one hour.
28. The Council also provided evidence that the alleged issue of financial irregularities connected to the proposed school had been considered by the Audit Committee who had informed the complainant in a letter dated 29 May 2008 that having carefully considered the concerns it had found that there is no action to take as the Council had not done anything which it would need to challenge. The fact that the complainant persists with the issue despite being in possession of

independent evidence is characteristic of an obsession as per the Information Tribunal in the cases of *Welsh v Information Commissioner EA/2007/008* (16 April 2008) and *Coggins v Information Commissioner EA/2007/0130* (13 May 2008).

29. The Council has suggested that the request is obsessive as regardless of the information proactively provided on the issue and provided in response to the complainant's requests, the complainant continues to question the Council's motives and maintain that it is not being open, honest and transparent. The Council has not explicitly stated that all information of the description specified in the request has previously been supplied or that it is a repeated request, however the Commissioner agrees with the Council's view that it is highly unlikely that provision of the information requested would make any material difference to or satisfy the complainant.
30. The Commissioner believes that, although the request may appear reasonable in isolation, the available evidence demonstrates the continuation of a pattern of behaviour and in view of the volume and frequency of correspondence and fact that the issue has been independently reviewed it can be fairly characterised as obsessive. The Commissioner's view is also based on his knowledge of the complainant's relationship with the Council gained during his investigation of the other complaints made about the Council by the complainant.

Is the request harassing the authority or causing distress to staff?

31. The Commissioner notes in his Awareness Guidance on the subject of vexatious and repeated requests that;

"The focus should be on the likely effect of the request (seen in context), not on the requester's intention. It is an objective test – a reasonable person must be likely to regard the request as harassing or distressing.

Relevant factors under this heading could include the volume and frequency of correspondence, the use of hostile, abusive or offensive language, an unreasonable fixation on an individual member of staff, or mingling requests with accusations and complaints".

32. The complainant's request by itself does not contain any evidence of deliberate harassment. However, when put into the context of her long running campaign against the Council and the correspondence connected to that, the Council have argued that the request can be said to have the effect of harassing the Council.
33. The Commissioner recognises the evidence submitted by the Council of the volume and frequency of requests as stated in paragraph 27 and agrees with the Council that the cumulative effect of the requests has the effect of harassing and causing distress to staff.
34. The Council have argued that the language used by the complainant is designed to harass and cause distress to staff and has at times being offensive and rude in nature causing Council employees and Councillors to express unhappiness and distress at the content and tone of emails they receive from her. Examples of

such language include; signing off emails with 'lots of love', stating that it will be 'fun' to see what response her requests and subsequent actions will provoke, and referring to one Councillor as 'that Foster-Crime lady'.

35. In addition, the Council have submitted that the complainant's emails are often personal in nature and fixate on the actions of specific members Council employees or Councillors making targeted comments about individuals such as; 'Have you the slightest grasp of what is going on here? Dearie me, not for the first time I wonder about your competence', 'As you know I find you terribly hard to understand - maybe if you ranted a bit less....' and 'The Monitoring Officer needs to change her attitude to the people who pay her wages, and if that involves exposure then so be it.'
36. The Commissioner believes that the available evidence demonstrates that the request can be objectively seen as harassing the authority or causing distress to staff.

Would complying with the request impose a significant burden in terms of expense and distraction?

37. The Commissioner's Awareness Guidance on the subject of vexatious and repeated requests states that;

"You need to consider more than just the cost of compliance. You will also need to consider whether responding would divert or distract staff from their usual work."

38. In order to demonstrate the above, in their response to the request the Council stated that;

"The number and frequency of your requests have, and continue, to take up a significant amount of Officer time throughout the Council and are placing an unacceptable burden on staff, who are often diverted from their normal duties for significant periods of time gathering information necessary to comply with your requests."

39. The Council have further submitted that the complainant's requests on this issue alone take up a large proportion of the FOI Officer's time in processing and advising upon both them and the numerous pieces of related correspondence in addition to the significant burden placed on officers in the services in locating and collating the information reducing the time they have available for their core duties.
40. It has also argued that it has already suffered a significant burden in dealing with the complainant's requests on this issue. Additionally, the Council provided a copy of a response dated 8 February 2007 to a previous request stating that to respond would take over 28 hours which is over the appropriate cost limit as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

41. The Commissioner acknowledges the volume of requests as mentioned in paragraph 27 and the Council have further argued that the request figures are significantly understated as lots of emails from the complainant on the issue receive direct responses rather than being treated as freedom of information requests.
42. In order to support its claim that the request imposes a significant burden the Council have also stated that most responses it sends to requests generate a string of correspondence and subsequent requests, a number of which are repeated or for substantially similar information. The Commissioner acknowledges that the request in this case was made as a result of the response to a previous request and considers that this adds to the evidence that complying with the request imposes a significant burden in terms of expense and distraction and refers to the Tribunal decision in *Betts v Information Commissioner EA/2007/0108* (19 May 2008) in which it was stated that it may be reasonable for a public authority to conclude that compliance would result in a significant burden if in answering that request it was;

“...extremely likely to lead to further correspondence, further requests and in all likelihood, complaints against individual officers...” (paragraph 34).

43. The Commissioner acknowledges the complainant's assertion that the contact with the Council's FOI Officers could have at least been halved had they answered FOI requests within set guidelines. Nevertheless, the Commissioner is satisfied that the request under consideration imposes a significant burden in terms of expense and distraction.

Is the request designed to cause disruption or annoyance?

44. The Council have argued that the requests are designed to cause disruption and annoyance due to their tone and nature and because the complainant had been asked, in February 2007, November 2007, December 2007, April 2008 and October 2008, to moderate the volume and frequency of requests and the tone and content of her emails as well as to direct correspondence to the FOI Officer but had not done so.
45. However, as this factor relates to the requester's intention and the complainant has not explicitly stated that she wants to cause disruption or annoyance in relation to this request, the Commissioner cannot conclude that this element of vexatiousness is present.

Does the request lack any serious purpose or value?

46. The complainant has stated the purpose of this request as being:

“...the serious nature of this issue – how children's lives are being put in danger regarding contamination and traffic arrangements at the proposed school, how there is no accountability regarding millions of pounds and how local people are bullied and [sic] pilloried when try to speak out about what is going on here.

47. The Council acknowledged that the wider issue of the construction of any new school has a high public interest and that the Council should respond to a reasonable amount of requests from members of the public to find out information about the scheme but has argued that, in reviewing the types of questions the complainant has asked and the frequency of them, it considers it has a duty to protect public funds and cannot keep responding to an excessive number of requests on same subject.

48. The Commissioner is of the opinion is that the serious value or purpose in this request is not enough to prevent it being vexatious. This position follows the Tribunal's ruling in *Betts v Information Commissioner EA/2007/0109* (19 May 2008) where;

"...the Appellant's refusal to let the matter drop and the dogged persistence with which he pursued his requests, despite disclosure by the Council and explanations as to its practices, indicated that the latter part of the request was part of an obsession. The Tribunal accepted that in early 2005 the Appellant could not be criticised for seeking the information that he did. Two years on however and the public interest in openness had been outweighed by the drain on resources and diversion from necessary public functions that were a result of his repeated requests..." (paragraph 38).

Summary

49. The Commissioner considers that the request can be fairly characterised as obsessive, and has the effect of harassing the authority and causing distress to staff and imposing a significant burden in terms of expense and distraction. The Commissioner does not find that the request is designed to cause disruption or annoyance or lacks any serious purpose or value. However, the Commissioner is satisfied that on balance, taking into account the context and history, the request is vexatious.

Regulation 12(4)(b) - Manifestly Unreasonable'

50. Regulation 12(4)(b) states that a public authority may refuse to disclose information to the extent that the request for information is manifestly unreasonable.

51. Whilst the Commissioner has issued no specific guidance on 12(4)(b) he is satisfied that the principles to be considered when looking at a case under section 14 of the Act are also relevant when considering if a request is manifestly unreasonable under regulation 12(4)(b) and notes that this approach has been supported by the Information Tribunal in the case of *Stephen Carpenter v Information Commissioner & Stevenage Borough Council [EA/2008/0046]*.

52. In the circumstances of this case the Commissioner considers that the arguments provided by the Council supporting the application of section 14(1) also engage the exception at 12(4)(b) for the reasons outlined above in paragraphs 24 - 49

Public Interest Test

53. In accordance with regulation 12(1)(b), even if an exception is engaged, public authorities can only refuse to disclose information if, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information. It should be noted that under regulation 12(2) there is a presumption in favour of disclosure.
54. In favour of the Council responding to the request, the Commissioner considers that the general purpose of the EIR is to enable the public to access information which affects or is likely to affect the environment. This has the clear benefits of promoting accountability and transparency as well as enabling individuals to access information which may help them to challenge a decision made, or an action taken, by the public authority. This in turn promotes a sense of democracy and public participation.
55. The Commissioner also recognises that in this particular case, where the wider issue relates to a new school being proposed, there is a high public interest and it is important that the public are reassured that the Council is showing regard to proper procedures and acting responsibly in respect of spending of millions of pounds.
56. On the other hand the Commissioner feels that there are compelling arguments in favour of maintaining the exception because of the public interest in protecting the integrity of the EIR and ensuring that they are used responsibly. While public authorities are being encouraged towards goals of transparency and accountability which benefit the public as a whole, it is not the intention of the legislation to tolerate the harassment of public officials to achieve this effect for individuals who have become obsessive. If this was the case, the Commissioner considers that the legislation would be seriously undermined. The Commissioner is very strongly of the opinion that public authorities should be able to concentrate their resources on dealing with legitimate requests rather than being distracted by requests that have little or no merit and where the wider public interest would not be served by disclosure.
57. In weighing these considerations in the balance, the Commissioner has had regard to the fact that the volume of requests submitted over a period of time have placed a significant burden on the Council resources and to continue to respond would disrupt the everyday work of the Council, diverting a disproportionate amount of resources from its core business, and the fact that the Council have proactively provided information on the issue to the public and in response to the complainant's requests. Additionally, the Commissioner notes that the issue of financial irregularities connected to the proposed school had been considered by the Audit Committee who have specifically found that there is no action to take. The Commissioner has also considered the Council's submission that it does not seem likely that responding to the request will satisfy the complainant as regardless of the information it proactively provides and provides in response to requests the complainant continues to question Council's motives, allege various wrongdoings and maintain that it is not open honest and

transparent. It is the Commissioner's view that these factors lessen the public interest in disclosing further information.

58. In view of the above, the Commissioner considers that in all the circumstances of this case, the public interest in maintaining the exception under 12(4)(b) outweighs the public interest in disclosing the information and therefore finds that the request is manifestly unreasonable.

Procedural Requirements

Section 17 – Refusal of request

59. Section 17(5) states:

“A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.”

60. Section 10(1) states:

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

61. The complainant's request for information of 1 December 2008 was refused on 20 February 2009 on the grounds that it was considered to be vexatious under section 14(1) of the Act, after the time limit set in section 10(1) had elapsed. This constitutes a breach of section 17(5) of the Act.

Regulation 14 - Refusal to disclose information

62. By failing to respond to the request under the EIR the Council breached regulation 14(2) and 14(3) which provide that a refusal of a request must be made no later than 20 working days and shall specify the reasons not to disclose the information, including details of the exception relied on and matters the Council took into consideration with respect to the public interest.

The Decision

63. The Commissioner's decision is that the public authority complied with the legislation in that section 14(1) of the Act and regulation 12(4)(b) of the EIR were applied correctly.
64. However, the Commissioner also finds that the public authority failed to comply with the following procedural requirements:
- section 17(5) of the Act for the late issue of the refusal notice.

- regulation 14(2) of the EIR by failing to respond to the request under the EIR within 20 working days.
- regulation 14(3)(a) by failing to specify to the complainant the reasons for refusing the request under the EIR including the exception it was relying on.
- regulation 14(3)(b) by failing to specify to the complainant the reasons for refusing the request under the EIR including the matters it took into consideration in reaching its decision with respect to the public interest test.

Steps Required

65. The Commissioner requires no steps to be taken.

Right of Appeal

66. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@tribunals.gsi.gov.uk.
Website: www.informationtribunal.gov.uk

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.

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

Dated the 10th day of November 2009

Signed

**Lisa Adshead
Senior Policy Manager**

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Legal Annex

Freedom of Information Act 2000

Time for Compliance

Section 10(1) provides that –

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

Vexatious or Repeated Requests

Section 14(1) provides that –

“Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious”.

Refusal of Request

Section 17(5) provides that –

“A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.”

Environmental Information Regulations 2004

Regulation 2 - Interpretation

Regulation 2(1) provides that -

“the Act” means the Freedom of Information Act 2000(c);

“applicant”, in relation to a request for environmental information, means the person who made the request;

“appropriate record authority”, in relation to a transferred public record, has the same meaning as in section 15(5) of the Act;

“the Commissioner” means the Information Commissioner;

“the Directive” means Council Directive 2003/4/EC(d) on public access to environmental information and repealing Council Directive 90/313/EEC;

“environmental information” has the same meaning as in Article 2(1) of the Directive, namely any information in written, visual, aural, electronic or any other material form on

–

- (a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and

- marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
- (b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
 - (c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;
 - (d) reports on the implementation of environmental legislation;
 - (e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c) ; and
 - (f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of elements of the environment referred to in (b) and (c);

“historical record” has the same meaning as in section 62(1) of the Act;

“public authority” has the meaning given in paragraph (2);

“public record” has the same meaning as in section 84 of the Act;

“responsible authority”, in relation to a transferred public record, has the same meaning as in section 15(5) of the Act;

“Scottish public authority” means –

- (a) a body referred to in section 80(2) of the Act; and
- (b) insofar as not such a body, a Scottish public authority as defined in section 3 of the Freedom of Information (Scotland) Act 2002(a);

“transferred public record” has the same meaning as in section 15(4) of the Act; and

“working day” has the same meaning as in section 10(6) of the Act.

Exceptions to the duty to disclose environmental information

Regulation 12(4) provides that –

“For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that –

- (a) it does not hold that information when an applicant’s request is received;
- (b) the request for information is manifestly unreasonable;
- (c) the request for information is formulated in too general a manner and the public authority has complied with regulation 9;
- (d) the request relates to material which is still in course of completion, to unfinished documents or to incomplete data; or
- (e) the request involves the disclosure of internal communications”.

Refusal to disclose information

Regulation 14(2) provides that –

“The refusal shall be made as soon as possible and no later than 20 working days after the date of receipt of the request”.

Regulation 14(3) provides that –

“The refusal shall specify the reasons not to disclose the information requested, including –

- (a) any exception relied on under regulations 12(4), 12(5) or 13; and
- (b) the matters the public authority considered in reaching its decision with respect to the public interest under regulation 12(1)(b) or, where these apply, regulations 13(2)(a)(ii) or 13(3)”.