

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 February 2016

Public Authority: Chief Constable of Cambridgeshire Constabulary
Address: Constabulary Headquarters
Hinchingsbrooke Park
Huntingdon
PE29 6NP

Decision (including any steps ordered)

1. The complainant has requested information relating to an allegation of crime which he reported to Cambridgeshire Constabulary (the "Constabulary"). The Constabulary did not respond to the request in reliance on sections 17(5) and 17(6) of the FOIA, by virtue of the request being vexatious under section 14(1). The Commissioner's decision is that it was entitled to do so.

Background

2. The Commissioner has already considered a number of related cases concerning the same subject matter and the complainant himself made specific reference to case FS50533455¹. There have also been a number of related cases before the First-Tier Tribunal, namely EA/2014/0184²,

¹ https://ico.org.uk/media/action-weve-taken/decision-notices/2014/1014368/fs_50533455.pdf

² http://www.informationtribunal.gov.uk/DBFiles/Decision/i1450/31-12-14_Decision_EA-2014-0184.pdf

and the following which were considered together: EA/2013/0150, EA/2013/0151 and EA/2013/0173³.

Request and response

3. On 11 November 2015, the complainant wrote to the Constabulary and requested information in the following terms:

"I quote from [Officer's name redacted] – Officer in the case Reference [number redacted]

"As noted in the CF[crimefile] I made multiple requests for either copies of the Will, Deed of Trust or any paperwork that related to his entitlement, but he continually referred to CNC [Command and Control] incident numbers from 2014, which he insisted held all the evidence of his ownership, on review they related to Mr and Mrs [name redacted] attending his mother in laws address and claiming rights over the property and the family were claiming harassment by Mr [name redacted], no offences were noted and no other paperwork exists."

CONFIDENTIAL REQUEST

[content redacted]

PUBLIC REQUEST

Please provide me with electronic unredacted or paper copies of ALL the Command & Control Files inspected by [Officer's name redacted] Officer in Case Reference [number redacted] or linked to that Case Reference for me to make submissions on specific points of law to the :-

Secretary of State for the Home Department

Secretary of State for Health

Secretary of State for Work and Pensions

³<http://www.informationtribunal.gov.uk/DBFiles/Decision/i1140/Martyres,%20OArnold%20EA20130150,%200151%20and%200173,%20Strike%20out%20decision%2013.11.13%20.pdf>

Lord Chancellor and Secretary of State for Justice

Secretary of State for Communities and Local Government

Should you require clarification on any points please feel free to contact me in person, by telephone, by email or by post".

4. The Constabulary did not respond.

Scope of the case

5. The complainant contacted the Commissioner on 7 January 2016 to complain about the lack of response to his request.
6. The Commissioner contacted the Constabulary and was advised that the request had not been responded to on the basis of sections 17(5) and 17(6) of the FOIA as it was considered to be vexatious.
7. The Commissioner advised the complainant of this and asked for any submissions he would like to make to support his request not being vexatious.
8. The complainant advised, on 11 January 2016:

"The request is linked to the following request [link to FS50533455 provided]. It is critical that the Constabulary disclose this information to [names removed] of the ICO and to the Lord Chancellor, Home Secretary and the High Court as it triggered a tsunami of litigation in two High Court Claims starting on 10 January 2005 to date and numerous PINs and Harassment Warnings and has cost this family hundreds of thousands of pounds in legal fees.

This is an extremely, extremely serious request as the previous request has been referred to the FTT, and UT".
9. The Commissioner will consider the Constabulary's position below.

Reasons for decision

Section 14 – vexatious requests

10. Section 14(1) of the FOIA provides that:

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

11. As stated above, the Commissioner has previously issued decision notices relating to requests on the subject matter being considered here. Indeed the complainant accepts this in the comments he made as cited in paragraph 8 above, with specific reference to FS50533455. The previous decision notices found that the Constabulary had correctly relied on section 14(1), a position which was in turn upheld by the First-Tier Tribunal.

12. The related events occurred some time ago and the circumstances remain the same.

13. The Commissioner has reviewed the requests and he has found evidence of a series of persistent and repeated information requests submitted by the complainant. Having considered all the circumstances of this case, the Commissioner has determined that the Constabulary is entitled to characterise this latest request as vexatious.

Section 17 – refusal of request

14. Sections 17(5) and (6) of the FOIA state that:

“(5) 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.

(6) Subsection (5) does not apply where—

(a) the public authority is relying on a claim that section 14 applies,

(b) the authority has given the applicant a notice, in relation to a previous request for information, stating that it is relying on such a claim, and

(c) it would in all the circumstances be unreasonable to expect the authority to serve a further notice under subsection (5) in relation to the current request”.

15. The Commissioner notes that this current request is in the same vein as the complainant's previous requests, a point which the complainant himself has stated when asking for a decision in this case. In light of the burden which has previously been placed on the Constabulary, and the acceptance by both the Commissioner and the First-Tier Tribunal that previous requests on this subject matter were vexatious, the Commissioner is satisfied that the Constabulary was entitled to refuse to respond to the request as per section 17(6) of the FOIA.

Right of appeal

16. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. 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.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Carolyn Howes
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF