



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

**Appeal No: EA/2013/0125**

**ON APPEAL FROM:**

**The Information Commissioner's Decision Notice No: FS50475952**

**Dated: 29 May 2013**

**Appellant: Michael Woolley**

**Respondent: The Information Commissioner**

**Heard at: Sheffield Magistrates Court**

**Date of Hearing: 5 November 2013**

**Before**

**Chris Hughes**

**Judge**

**and**

**Malcolm Clarke and Jean Nelson**

**Tribunal Members**

**Date of Decision: 25<sup>th</sup> November 2013**

**Attendances:**

For the Appellant:                    in person

**Subject matter:**

S.14 Freedom of Information Act 2000

**Cases:**

IC and Devon CC v Dransfield [2012] UKUT 440 (AAC), [2013] 1Info LR 360.

**DECISION OF THE FIRST-TIER TRIBUNAL**

The Tribunal upholds the decision notice dated 29 May 2013 and dismisses the appeal.

Dated this 25<sup>th</sup> day of November 2013

Judge Hughes

[Signed on original]

## **REASONS FOR DECISION**

### Introduction

1. In 2007 Mr Woolley's daughter (who had a diagnosis of dyslexia) started at Hunters Bar Junior School. Mr Woolley became a governor of the school and there was over ensuing years some conflict between him and the school over aspects of his daughter's education and issues of school governance. In 2011 his daughter left the school and in October of that year Mr Woolley resigned from the governing body. In his e-mail resignation (which he sent to all the governors) he set out his concerns and made two complaints.

### The request for information

2. In February 2012 Mr Woolley made two requests for information in quick succession. The first:-

*" I am writing to formally request under the Data Protection Act 1998 and the Freedom of Information Act 2000 to be given access to all information and records held, produced, transposed into file format, or in any of the information or data system on the above by Hunters Bar Junior School, its personnel or agents acting with or on behalf of Hunters Bar Junior School which were given to or requested by :*

*[name redacted] Headteacher*

*[ name redacted Chair of Governors*

*[name redacted] Vice Chair of Governors ,*

*to inform their review of my concerns and judgement as per the failure to respond to complaints submitted by me by e-mail in October 2011.*

*I understand that we as parents of (name redacted) and as persons in our own right have the right of access to all and every record and item of information that makes reference to and about our daughter and ourselves "*

The second asked for:-

*“.. public information and private data to cover the involvement of [name of a firm of solicitors redacted] with Hunters Bar Junior School, its personnel or agents acting with or on behalf of Hunters Bar Junior School since September 2007”.*

3. On 16 March 2012 the school, in a detailed letter, confirmed to Mr Woolley that it considered the requests to be vexatious. The letter set out some of the history of the relations between the school and Mr Woolley and analysed the request for information in the light of that history and the guidance provided by the Information Commissioner as falling within section 14(1) FOIA. With the letter the school provided some documents including a set of minutes of the governing body meeting of 1 March 2012. Since the decision had been taken by the governing body it declined to carry out any review of the decision.
4. The Information Commissioner considered the FOIA and data protection issues separately; his decision notice was concerned purely with FOIA matters and it is that decision which is appealed to this tribunal. The Information Commissioner carried out a review of the request and the circumstances and, while on certain points he disagreed with the school, he concluded:-

*“ with respect to that part of his request which falls under the FOIA, the Commissioner is satisfied that the complainant is using the FOIA as a means to reopen his complaint concerning SEN provision after school.*

*The Commissioner considers this to be an improper use of the FOIA and is satisfied that the request serves no useful purpose. He considers the request is likely to cause an unjustified level of irritation and disproportionate amount of distress and has no wider public interest.*

*The Commissioner therefore considers that the school was correct to apply section 14(1) of the FOIA to that part of this request which falls under the FOIA”*

#### The appeal to the Tribunal

5. In his appeal Mr Woolley argued that providing a response to his request would only have taken a very few minutes. He set out the history of his dissatisfaction with SEN provision at the school and the attempts he had made to address the issue through the good offices of the City Council. He stated that he had received letters from the Legal Services Department of the Council on the instruction of the Headteacher at the

school which he felt contained "bogus allegations". He argued that the school had failed to comply with the UN Convention on the Rights of the Child in that it had failed to act in the best interests of the child. He argued that the school had failed to follow its own complaints procedure which it was required to adopt under education law. He disputed the level of irritation caused to the school and pointed repeatedly to the harm that he felt had been caused to his child from failures in education provision.

#### The questions for the Tribunal

6. The issue for this tribunal is whether the school and the Commissioner have correctly characterised the requests as vexatious. In the light of the Upper Tribunal decision in *Dransfield*; in carrying out this exercise the Tribunal has to consider not merely the specific request but also all the surrounding circumstances and the history of the relations between Mr Woolley and the school.

#### Evidence

7. During the period that his child attended the school and that he was a governor of the school there were a number of complaints and issues raised by Mr Woolley and a history of conflict with the school. A useful summary of the history and the issues underlying it was contained in a letter from the Local Government Ombudsman in which he rejected Mr Woolley's complaint (bundle pages 114-118). The complaints were:-

- *The organisation of elections for parent governors in 2007, he considers this poorly handled;*
- *His dealings with the governing body following his election in November 2007 as a parent governor, including access to information, record-keeping and his ejection from the Governors meeting on 29 September 2008;*
- *Consideration given by the governors in 2009 to his suspension as a parent governor and the approach to the Council's governor support services for advice; and*
- *letters sent by the council's legal services on behalf the governors in connection with all of the above.*

- *Failure to make adequate provision for his daughter's special educational needs*
- *Inappropriate, poorly delivered inadequately reviewed Individual Education Plans for his daughter.*

8. In looking at these matters the Ombudsman noted that for some of them Mr Woolley was out of time in complaining to the Ombudsman even though it had been suggested to him at an appropriate time that he should do so. It noted that the governors and the Council had already responded to Mr Woolley's complaint in detail. He noted that Ofsted were responsible for considering the leadership and management of the school and had rated that as "good" in June 2009.
9. With respect to provision for his daughter the Ombudsman looked at the 12 months prior to the complaint:-

*" I note that from the beginning of the 2011 Spring term Mr Woolley was offered the option to meet his daughter's class teacher every three weeks to discuss her progress. Before this, Mr Woolley was able to discuss his daughter's progress at the school twice yearly parents evening and an additional annual meeting to review her IEP. According to the school, Mr Woolley required considerably longer than the time allocated to other parents to discuss progress and this was the reason for the special arrangements made from January 2011. I do not consider that there are grounds for the Ombudsman to criticise the arrangements put in place for Mr Woolley to have input into his daughter's IEP.*

*Mr Woolley's daughter does not have a statement of special educational needs, so the assessment of provision for her needs is a matter for her teachers.*

*The Ombudsman cannot say what provision should have been made to meet Mr Woolley's daughter's needs and she cannot judge the quality of the provision.*

*At the time Mr Woolley made his complaint, his daughter was about to leave the school and it would not have been possible to remedy any injustice should investigation has found evidence of fault.*

*For these reasons, my decision is that there is nothing that could be gained from investigating Mr Woolley's complaint about his daughter's IEP."*

10. The letter sent by the Legal Services Department was dated 12th of July 2010 and began (bundle pages 96/7):-

*"I have been contacted by the Headteacher at Hunters Bar Junior School with concerns about your unplanned attendance at school and your conduct towards staff whilst in the school . This means that at times your presence in the school is not conducive to the schools progress and well-being.*

*Please note that individual governors and parents do not have an automatic right to enter the school premises whenever they wish. Appointments should be made with the Headteacher-who has responsibility for the day-to-day management of the school-for allocated slots of time in order to ensure that the smooth running of the school can be maintained. Conduct towards staff during these appointments should not be hostile or intimidating and the appointment should not overrun and interfere with the school's operation because you refuse to leave...."*

11. Subsequently Mr Woolley complained asking to know the reasons the letter had been sent. On 1 October 2010 the Legal Department wrote to him again giving more details of the issues including (bundle pages 98/9):-

*"in addition a further meeting was held with the class teacher. That lasted over half an hour and the teacher concerned sent for a senior teacher to bring the meeting to a close as she found it difficult to do so herself.*

*In Y5 it is reported that you stayed significantly longer than the allocated appointment time in the October parents evening during the academic year 2009/10. The appointment lasted almost 40 minutes for a 10 minute appointment. I also understand that you did not respond appropriately when asked by the Headteacher to finish the meeting as other parents had been waiting for quite a time.*

*It is further reported that in March this academic year the class teacher made the decision to meet you with you separately to parents evening. I understand that this meeting lasted at least an hour.*

*I hope this letter provides you with the background to the concerns that the school staff have in relation to your behaviour."*

12. Mr Woolley subsequently complained to the council about the letters and in the tribunal had difficulty understanding why the Headteacher of a maintained school



should have access to and the support of the council's legal department when he as a governor and parent did not.

13. In a letter to the Information Commissioner (bundle pages 92-121 at 93) dated 29 January 2013 the relevant lawyer described the process and circumstances which produced these letters:-

*“Please note that these letters were drafted, after careful consideration of the information that was presented to me through telephone conversations that I had with [name redacted], Headteacher, who discussed the contents with the governing body. After careful assessment of this information I formed the professional view that Mr Woolley's conduct was oppressive and unacceptable. The subsequent decision to impose restrictions on Mr Woolley's access to the school premises and staff was not taken lightly. In reaching this view I also gave careful consideration to the principles set out in relevant case law. The case of Connor v Surrey County council [2010] EWCA Civ 286, [2010] IRLR 521 acts as a warning to councils that where there is conflict between the school and its governing body, the Council must pay regard to its duty of care towards its employees.*

14. On 21 October 2011 Mr Woolley sent his e-mail resignation letter to all the governors of the school (bundle pages 59/60). In that communication he set out his views:-

*“I submit my resignation as a parent governor from the governing body ... in the spirit of a critical friend in school, I provide the following main reasons :*

- I condemn the institutionally aggressive approach taken by the Headteacher, Chair of governors and Deputy Chair of Governors and the cabal of other governors at Hunters Bar Junior School to vilify and harass parents in collusion with local authority officers. The Chair and Deputy Chair have supported the Headteacher in making bogus allegations through local authorities solicitors against parents who have struggled to engage with the school over issues including SEN support to children. The school has failed to engage effectively with parents and had not acted in the best interests of children.*

- *I condemn the weak and ineffective approach taken by the governing body allowing the Headteacher to operate without effective accountability and failing to address concerns of parents. The governing body has avoided opportunities for improvement of the school and therefore has not acted in the best interests of children; these include the following areas:*
  - *teaching*
  - *pupil behaviour*
  - *parental engagement*
  - *SEN support*
  - *school administration*
  - *access and conformance to school procedures*
  - *governing body administration*
  - *conduct of governing body meetings*

*As I have now resigned, I wish to submit the following complaints to Hunters Bar Junior School:*

- *SEN (special educational needs) support my daughter has been in effective and largely unaccountable*
- *the governing body has not acted in the best interests of children*

*I hope these will provide opportunities to discuss the issue we use which are adversely affecting school and provide the basis for improvement.*

*I wait for you to provide me with the process you intend to follow when I shall provide you with supporting documents to the complaints.*

*Mike Woolley”*

15. On 3 November the Chair of Governors responded stating :

*“Dear Mike*

*We received your resignation just before half term. This is accepted.*

*Your comments have been noted.*

16. However the resignation was addressed to all the governors and on 22 October 2011 one of them had already replied using his Blackberry:

*“Mike,*

*For my part :*

*- Resignation accepted*

*Your reasons can't really be dignified with the response. I don't agree with what you say.*

*-the second limb of the complaint is too general to any investigation and shouldn't be considered further.*

*- your complaint about your child's SEN education will no doubt overlap with what you have raised previously and you know the parent partnership contact that can assist you with this issue. If you want a formal written response to this complaint issued then do say.”*

17. The e-mail continued with the author's name and then a subscript *“for and on behalf of [name redacted of a firm of solicitors]*

18. Mr Woolley responded to this on 24 October:-

*“Thank you for your e-mail. It reaffirms my point about a cabal of governors operating at Hunters Bar Junior School.*

*Unfortunately it would seem that your e-mail also demonstrate a breach of confidentiality of a pupil and therefore involves a further complaint.*

*I would also ask why your e-mail contains the undersigning "for and on behalf of [firm of solicitors]" as well as e-mail imprints of this legal establishment. It would appear to me to be inappropriate for a school governor to include this information and communications with parents which some may read in further implications-some may even consider it intimidatory.”*

19. On 15 February 2012 Mr Woolley chased for a response to his complaint and made the request set out at paragraph 2. The Chair in reply confirmed to him that there had been a discussion of the complaint at the Governing Body meeting the previous week and the response had been agreed which would be sent to him shortly. On 28 February 2012 Mr Woolley chased for a response and made the second request. By reply e-mail the chair of governors replied:-

*“Dear Mr Woolley*

*As I indicated to you in my last e-mail, at the last full governing body meeting we did discuss the complaints you made to governors in your e-mail of 21 October.*

*Our response is that we will be taking no further action.”*

20. Mr Woolley raised his concerns with issues at Hunters Bar Junior School with the Department for Education. On 2 October 2012 an official of the Department wrote to the chair of governors at the school seeking information (bundle page 119):-

*“My colleague wrote out the former chair of governors, [name redacted], in June and requested information relevant to the complaint, which we duly received.*

*Further to the above, with regards to Mr Woolley’s complaint about being asked to leave the governing body meeting in September 2008, please could you advise if this complaint was ever referred to the local authority and if the same complaints policy was in place at this time?*

*Regarding Mr Woolley’s complaint about SEN provision for his daughter, please could you send me any further documentation regarding the discussion that took place on 9 February 2012 and advise why the school did not consider the complaint or follow the complaints procedure in this instance? In the event the complaint had been made vexatious, the complaint would still require investigation.”*

21. The relevant solicitor with the City Council responded on behalf of the school (bundle page 120):-

*“I refer to your letter dated to October 2012 addressed to [name redacted] chair of governors, which has been referred to legal services, in light of my involvement in this long-standing matter. I am a solicitor employed by the Local Authority and I am providing this response on behalf of the chair of governors.*

*I am aware that Mr Woolley has already reported his concerns about Hunters Bar Junior School through a number of routes, which includes Officers of the Local Authority, Councillors and the Local Government Ombudsman. Legal Services have been involved in all these were and are satisfied that the issues that Mr Woolley has raised in his complaint had been dealt with appropriately.*

*I can also confirm that the school had responded to all of Mr Woolley's complaints in detail. Please note that this view was also shared by the Local Government Ombudsman and I attach to your information the relevant correspondence dated 29 September 2011.*

*The attached letter from the Ombudsman sets out the reasons for not pursuing the complaint against the school or the local authority and I would draw your attention specifically to the comments relating to the complaints about him being asked to leave the governing body meeting in September 2008 and the SEN provision for his daughter.*

*In the light of the steps taken by the school to address the complaints raised by Mr Woolley I am not sure what can be gained by reopening the issues that have already been investigated by the Local Government Ombudsman.*

22. In oral evidence Ms C Meleady (an expert in SEN provision) gave her views as to what she considered an appropriate SEN provision for Mr Woolley's daughter would have been; in her view the provision she had received fell significantly below that. She spoke of the steps that she had taken on behalf of Mr Woolley and his daughter to raise the issue with the school in November 2011. She also argued that Mr Woolley was not aggressive and the description of him in this way was a tactic to de-legitimise him due to his gender. Councillor Anginotti, a member of the City Council with knowledge of SEN provision, also expressed her views on this matter together with her concerns about how Mr Woolley had been handled by the school.
23. In his evidence Mr Woolley explained that he was a chartered engineer with many years of experience advising on management. He re-emphasised his concerns about the quality of education his daughter had received. He pointed to various deficiencies in the governance of the school including the ineffectiveness of governing body meetings. He felt that the Local Government Ombudsman had not properly considered his complaint. He argued that there was a substantial public interest in what he was pursuing. He emphasised his view that there was collusion between the governors of the school and council officers. He noted that the letter from the Department for Education stated that even if a complaint was vexatious it still required investigation. In connection with the part of the request concerning the e-mail from the fellow governor indicating that it emanated from his work e-mail

address; Mr Woolley confirmed that he knew that the individual had used it for a number of years in his correspondence as governor. He argued that it had “*never been clear to me whether he's been operating purely as a governor or as a provider of legal advice*”. Asked why he had not complained about the use before Mr Woolley replied “*I have raised so many issues ... I had tried to get a complaints procedure off him.*” He considered that the “*generalised use by him of his imprint is not appropriate for a governor*”. He concluded his evidence and submissions by stating that there had been a failure to deal effectively and that the culture of “delay deny defend” “must end.

### Consideration

24. In the Upper Tribunal decision in *Dransfield* reviewed the various pointers identified by the Information Commissioner which when applied to a request were helpful in indicating whether a request could be vexatious – burden on the public body, the motive value and purpose of the request, whether the request caused harassment or distress.
25. In considering this case the tribunal has born these issues in mind, and above all the need to look at the request in its context – in this case the context was the history of conflict and in particular the resignation email and the response to it. This had criticised its recipients as institutionally aggressive, weak, ineffective, harassing and vilifying parents, acting as a cabal. It had gone on to state that:- *The governing body has avoided opportunities for improvement of the school and therefore has not acted in the best interests of children; these include the following areas:* it then listed effectively every area of activity of the school, beginning with “*teaching*”. The email had then made two formal complaints:- the first concerning SEN provision for his daughter and the second a complaint that the governing body had not acted in the best interests of children.
26. It was clear to the tribunal that Mr Woolley was deeply concerned as to issues about his daughter's education. While the tribunal could see from the material before it that it was entirely possible that the education provision for his daughter could have been provided in a better way, it was also aware that on this point Mr Woolley was now in possession of all the documentary evidence – documentary evidence which the school no longer possessed, the school was not a party to these proceedings, and the matter of the quality of the educational provision for his daughter was not a matter upon

which this tribunal could make a decision; it was not the subject matter of the proceedings-that was whether or not Mr Woolley's requests were vexatious under FOIA.

27. While Mr Woolley has put forward evidence suggesting that the school had not complied with its own complaints procedure, and had argued that the governance of the school was inadequate, there was also evidence that OFSTED considered the school was "good" and there had been substantial consideration of all his complaints.
28. It was also equally clear that for a considerable period of time he had been in conflict with the school on SEN provision for his daughter and on many other issues. The various issues of conflict had been pursued through a range of complaints and had been considered not simply by the school but independently by the Local Government Ombudsman and also in part by officials of the City Council. The issues he raised in his resignation letter had already been the subject of considerable review by appropriate agencies. By raising them as complaints again he was following a well-trodden path.
29. The formal complaint he wished to raise concerning his daughter's education was precisely covered by the Local Government Ombudsman's consideration of those issues for the period from April 2010 – her last year at the school.
30. The other formal complaint which he wished to raise in his resignation email was that:- *the governing body has not acted in the best interests of children* must be read in the context of the e-mail – in particular the very strong criticisms made of individuals. It is clear from the content of the e-mail (paragraphs 14 and 25 above) that this complaint was intended to cover the entire operations of the school. It is difficult to see that, having condemned the governors wholesale he had any real desire for them to review the complaint.
31. In the light of this the conclusion of the governor who responded to Mr Woolley; that one complaint related to the previous complaint about SEN support for his daughter and "*the second limb of the complaint is too general to any investigation and shouldn't be considered further*" is obviously correct.
32. The two requests for information were made very close to each other in time and both related to the response of the governing body to his letter of resignation and the complaints contained within it. Given this and the short period of time between the

two requests the tribunal was satisfied that it was entirely appropriate to deal with these two requests together and considered them in their context as one request. Mr Woolley freely acknowledged that he had always known that the individual concerned worked for a firm of solicitors and that all the e-mails that individual sent contained the imprint of the firm. Mr Woolley is a very experienced professional gentleman and he is fully aware that individuals regularly use the e-mail and telephone facilities provided by their employers. He is sufficiently sophisticated to know that this does not imply any endorsement by the employer or further involvement by the employer. In taking up the issue of the imprint when he did, in response to the indication from the governor that he did not see merit in the complaints which Mr Woolley made, it is clear that Mr Woolley was in essence seeking to make trouble. Mr Woolley has exhaustively pursued his complaints to every means available to him and in raising this matter, through a FOIA request, he was simply perpetuating his conflict with Hunters Bar Junior School. No serious purpose could be served by this request, it was entirely vexatious.

33. The Information Commissioner reviewed the history of relations and considered the impact of having to deal with the request (DN paragraphs 42-49) he concluded that:-

*Whilst the Commissioner understands the complainant is frustrated by what he considers to be the school's lack of accountability and its refusal to address the issues he has raised, he is satisfied that that the request will have the effect of harassing the school. The accusations the complainant is making against the headteacher and governing body are serious and would undoubtedly be upsetting.*

*The Commissioner is therefore satisfied that responding to this request is likely to cause a disproportionate level of distress.*

34. In considering whether the request had a serious purpose or value in the Commissioner noted (DN paragraphs 59,60):-

*The Commissioner appreciate that the question of SEN provision of the school is a serious issue and that the complainant considers his related FOIA request to be equally serious. However, the Commissioner is satisfied that the current FOIA request serves no useful purpose. The complainant has a copy of all the relevant personal data held by the school under the DPA. The school's complaints policy is publicly available on its website.*



*The Commissioner is therefore satisfied that the pursuit of this FOIA request serves no useful purpose and has no value for the wider public interest.*

35. The majority of the Tribunal (C Hughes, J Nelson) were satisfied that the Commissioner had correctly identified and analysed the issues and come to the correct decision. They were satisfied that the first stage of the request (for documents relating to the consideration of his complaints) should properly be considered with the second stage (relating to the firm of solicitors). Even if it were to be considered separately, the context of the dispute and the repetitious and wide-ranging nature of the requests meant that the desire of Mr Woolley to hold a post-mortem into the handling of the complaints by seeking the information requested was properly characterised as vexatious.

#### Minority position

36. The minority of the Tribunal (M Clarke) agreed that the request relating to the firm of solicitors was, in context, vexatious. However the minority view was that the part of the request relating to the consideration of the complaints should be evaluated separately and should not have been categorised as vexatious.
37. The second request (relating to the firm of solicitors) would not have been made had not the governor first responding to the resignation letter not included his firm's business name – an error for which he had apologised. The first request was not vexatious. The Tribunal had the task of deciding between two contrasting positions. First, that of the school, and subsequently the Commissioner, was that Mr. Woolley used FOIA inappropriately to continue to pursue his grievances about SEN provision, despite having exhausted the various other proper channels, thus justifying the request being classed as vexatious. However, the preferable view was that, on balance, the request was not vexatious, because Mr. Woolley had pursued legitimate and important concerns ( which in his view and that of his witnesses had not been properly addressed) about the quality of SEN provision in the school and the school's governance, and that he was entitled to request background information(if any such exists) on why his formal complaint about these matters was not handled in accordance with the school's procedures.

38. The Tribunal had no witness evidence relating to Mr. Woolley's behaviour in school. The allegations (paragraphs. 10/11) were contained in letters from the Council's solicitors, who were acting on the instructions of the school as its legal advisers.
39. The Tribunal heard oral evidence from Mr. Woolley's witnesses (para 22) who had relevant professional experience/expertise and one had previously been the Council's cabinet member responsible for education. Both were familiar with his case, having assisted him in his dealings with the local authority. Both gave evidence supporting the validity of his complaints about the educational provision for his daughter, and the alleged harm this had caused her, which in their view continued after leaving the junior school. Both believed that a characterisation of him as aggressive/intimidating was to deflect attention from his legitimate complaints.
40. The Tribunal had neither the jurisdiction nor the professional expertise to adjudicate on the quality of the special educational provision at the school. The relevance of the witness evidence was that it indicated that in the view of at least some professionals, Mr. Woolley had legitimate unresolved grievances, which informs a judgement on the seriousness of purpose of his continued pursuit of those complaints, which is relevant to the consideration of whether a request is vexatious.
41. The request was not for information about SEN provision per se. It was a request for information relating to the Governors decision not to respond to the formal complaints lodged in his resignation letter. Under the school's complaints procedure he was entitled to a written response. The quick reply from a governor had offered him one and he had pursued that. The Head Teacher had also indicated that one would be forthcoming. The Governors then subsequently decided that no response would be given. In these circumstances, the minority view is that it does not seem to breach the concepts of "proportionality" or "justification" (to use the *Dransfield* concepts) that he should seek any information on the background to this unexplained change of decision and breach of the school's complaints procedure. The minority accepted the Commissioner's finding in the Decision Notice that that the volume of correspondence from Mr. Woolley has not constituted a significant burden in terms of the FOIA; that complying with this request would not have a detrimental effect in terms of workload and that the request was not designed to cause disruption or annoyance. The Commissioner found that the school "would appear to have answered the substantive part of his request under the DPA" (DN para 42). In this context it is

unclear how much (if any) further material comes within the scope of the FOIA request, or why, given that material was released under the DPA, responding to the FOIA part of the request would cause an "unjustified level of irritation and a disproportionate amount of distress", as suggested by the Commissioner.

Conclusion

42. The Tribunal by a majority is satisfied that there are no grounds for criticising the decision notice, and that it is in accordance with the law and accordingly upheld.

Judge Hughes

[Signed on original]

Date: 25 November 2013