



**FIRST-TIER TRIBUNAL  
GENERAL REGULATORY CHAMBER  
Information Rights**

<b>Tribunal Reference:</b>	EA/2013/0237
<b>Appellant:</b>	Alan Dransfield
<b>Respondent:</b>	The Information Commissioner
<b>Judge:</b>	N Warren
<b>Member:</b>	Dr H Fitzhugh
<b>Member:</b>	M Jones
<b>Hearing Date:</b>	24 March 2014
<b>Decision Date:</b>	2 April 2014

**DECISION NOTICE**

1. On 10 April 2013 Mr Dransfield wrote to Stockport Borough Council (Stockport) with a request under the Freedom of Information Act (FOIA). He referred to a particular school in Stockport. He asked for a full report of remedial works under the lightning protection scheme including the cost and why they were necessary. He also asked for a copy of the school's lightning risk assessment.
2. Mr Dransfield told us that he had made an earlier similar request to Stockport. In reply Stockport had sent him information and test results for the school. He says that he immediately discerned an irregularity with the test results because they referred to the carrying out of remedial works, despite the school being new. This prompted him to make the present request. He told us that his connection with this particular school was that he had a friend living close to it.
3. Mr Dransfield's previous dealings with Stockport went further than just this one previous request. We understand from the Information Commissioner (ICO) that Stockport have estimated 60 previous separate requests involving 155 emails over a period of about three years. Most of the requests, it is said, concerned various

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building regulations and safety inspections; 45 of the 60 are said to relate to this particular school.

4. Mr Dransfield told us that he estimated that he had made perhaps twelve requests to Stockport under FOIA although he agreed that he might have made other requests for information not under the Act. There may be room for argument about whether a request is made under the Act; there may also be room for argument about whether requests are separate. The Stockport information comes to us second-hand through the ICO – although it has of course been considered by the ICO as part of his own statutory obligations. On the balance of probabilities, we accept the Stockport evidence. We do not consider that it would be proportionate to adjourn the hearing for full details of the emails to be supplied and analysed.
5. In the light of this history Stockport refused to answer the 10 April 2013 request on the ground that it was vexatious; the ICO confirmed this decision and Mr Dransfield appealed to the Tribunal. We heard this appeal in London on 24 March. Mr Dransfield attended but the ICO did not trouble to do so.
6. The approach we must take to the assessment of a vexatious request is set out for us in a separate Upper Tribunal decision also involving Mr Dransfield. Mr Dransfield contended that we should ignore the Upper Tribunal decision because he was still waiting for a hearing in the Court of Appeal to deal with the question of whether an appeal he had lodged from the Upper Tribunal was out of time. We are not prepared to delay this case to await the outcome of the Court of Appeal hearing. We therefore proceed on the basis that the Upper Tribunal decision in Dransfield and two other cases decided at the same time are binding on us.
7. Having considered all the circumstances of this case we confirm the decision of the ICO. We agree with and adopt the reasoning in paragraphs 21 – 38 of the ICO response to Mr Dransfield’s appeal.
8. Put shortly, Stockport were entitled to invoke the protection of Section 14 FOIA. The burden of answering this one individual request might be comparatively small but we must consider the context. The history of Mr Dransfield’s dealings with Stockport shows a continuing burden. It is significant that this request followed

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immediately upon another one disclosing information about the school to Mr Dransfield. Mr Dransfield's purpose in pursuing information may appear high minded but the answer is, in our judgment, of little or no value in terms of protecting people in the school. Stockport was entitled to say "enough is enough".

9. At the hearing, Mr Dransfield asserted that Stockport had invoked Section 14 because they were wishing to cover up fraud and white collar crime. He also stated that the ICO was engaged in a conspiracy with rogue public authorities such as Stockport nationwide to support a gag on answers to FOIA requests. We reject both these allegations.
  
10. For these reasons the appeal is dismissed.

**NJ Warren**

**Chamber President**

**Dated 2 April 2014**