

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 7 September 2009

Public Authority: Ministry of Justice
Address: Selborne House
54 Victoria Street
London
SW1E 6QW

Summary

The complainant requested information from the Ministry of Justice concerning the Terms of Reference and responsibilities of the head of the Ministerial Correspondence Unit, and any written authority entitling members of staff to ban correspondence with members of the public. The public authority refused to comply with the first part of the request on the grounds that it was vexatious and stated that no information was held in respect of the second part. The Commissioner's decision is that the public authority was correct in its application of section 14(1) of the Freedom of Information Act.

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 Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

Background

2. On 3 August 2005, the complainant was contacted by the head of the Ministerial Correspondence Unit at the MoJ by telephone (confirmed in a letter of the same date), in an attempt to manage the volume of correspondence he was sending to the MoJ. The complainant alleges that the telephone caller was rude and arrogant.
3. Special handling measures for the complainant's correspondence were approved by the Permanent Secretary, put in place and notified to the

complainant in a letter dated 12 February 2007. These measures are summarised in the *Findings of fact* section below.

4. These measures have not always been complied with by the complainant. One consequence of his non-compliance was the MoJ acting on its warning that the complainant's letters would not be acknowledged in such circumstances. This lack of response has itself been the source of further correspondence and complaints

The Request

5. On 22 September 2007, in a letter of complaint to the Secretary of State for Justice, the complainant requested:

- a) *"The Terms of Reference and responsibilities of the post of Head of Ministerial Correspondence Unit.*
- b) *Any written authority entitling members of staff to ban correspondence with members of the public."*

6. A reply was sent from the Ministry of Justice (MoJ)¹ on 22 October 2007 in which it refused to provide a response to the first request as it considered the request vexatious under section 14(1) of the Act. In response to the second request, the MoJ confirmed that there was no written authority as described.

7. The complainant responded to the MoJ in a letter, dated 22 November 2007, indicating that he had made a complaint to the Commissioner on 26 October 2007 and requesting clarification of various items within the MoJ's letter of refusal.

8. The complainant's letter to the MoJ was treated as a request for internal review and on 25 February 2008 a response was sent from the MoJ to the complainant with the outcome of the internal review. This upheld the earlier decision to treat the request as vexatious under section 14(1) of the Act, stating that:

"The review of the manner in which your request was handled concluded that the Department provided extensive advice and assistance. The Freedom of Information Act was not set up for the purposes of allowing individuals to target officials because they remain dissatisfied with the outcome of their requests for reviews. The

¹ Note: during the period which covers the history and background to this case, the Department for Constitutional Affairs (DCA) became the Ministry of Justice (MoJ). The public authority will be referred to as the MoJ throughout. For the avoidance of doubt, any references to the MoJ are also references to the DCA if that was the name of the public authority at the material time.

information you have requested in your letter of 22 September was refused on the grounds of section 14(1) and it has been held that the handling of your request was correct, so the decision to use section 14(1) is accordingly upheld."

9. The complainant was also advised of his right to apply directly to the Commissioner for a decision.

The Investigation

Chronology

10. The complainant wrote to the Commissioner on 26 October 2007, complaining about the MoJ's refusal notice of 22 October 2007. The Commissioner replied on 21 November 2007, advising him that he should complete the MoJ's own complaints procedure before the Commissioner would consider a complaint for investigation.
11. The complainant wrote to the MoJ on 22 November 2007, enclosing copies of his correspondence with the Commissioner, and requesting an explanation of the MoJ's view that his request was "*designed to target officers*" and "*disrupt departmental business*". He added that it was his belief that these allegations had been repeated "*without producing a shred of evidence*" ever since he had criticised the MoJ for delays in responding to earlier questions about the Freedom of Information Act.
12. As stated at paragraph 8 above this letter was treated as a request for internal review by the MoJ.
13. The complainant telephoned the Commissioner on 4 December 2007. A written reply to his enquiry was sent on 5 December 2007 advising that the Commissioner had established that the MoJ was in the process of conducting an internal review and therefore the Commissioner would not comment or involve himself until this procedure was exhausted.
14. The complainant wrote to the Commissioner on 8 December 2007, asking to know what further action he should take in light of the Commissioner's letter of 5 December. He also criticised the Commissioner for not addressing various issues in the previous correspondence. These are, partly, the issues alluded to in paragraph 26, below and the Commissioner observes that he has no powers under section 50(1) of the Act to investigate a complaint which does not concern the requirements of part 1 of the Act. The complainant proceeded, in closing, to make two freedom of information requests to the Commissioner about these issues. The Commissioner responded, on 12 December 2007, further clarifying his advice and acknowledging the freedom of information requests.

15. On 8 April 2008 the complainant again contacted the Commissioner, having not received the MoJ's letter, and a copy was obtained and sent to the complainant on 14 April 2007.
16. The complainant wrote to the Commissioner on 25 April 2008 with further arguments in support of his complaint.
17. Subsequent correspondence was received at intervals by the Commissioner from the complainant. This was mostly peripheral to the investigation of the complaint, voicing concerns over service levels at the ICO and the competence of staff, and making further freedom of information requests. These were addressed but are not considered of further relevance to this chronology.
18. On 4 February 2009 the Commissioner wrote to the complainant to request clarification and further evidence of his claims against the MoJ.
19. The Commissioner also wrote to the MoJ, on 5 February 2009, asking for its comments on various issues, and confirmation of its statements in correspondence to the complainant, that his complaints had been considered by the Parliamentary and Health Service Ombudsman (PHSO) but not upheld.
20. The complainant replied to the Commissioner on 9 February 2009, indicating that it was necessary to go back to 2005 to consider the roots of his complaint. He enclosed selected copies of his own correspondence to various officers of the MoJ, in support of his arguments.
21. The Commissioner wrote again to the complainant on 16 February 2009, giving him a further opportunity to produce relevant evidence, explaining that many of the matters raised in his correspondence had been addressed by the MoJ and, further, that the Commissioner had identified various mis-statements in his correspondence which were acknowledged by the complainant. If the complainant's allegations were therefore to be given more weight, the Commissioner would require factual evidence in support. The complainant's responses, of 20 February 2009 and 23 February 2009, accused the Commissioner's investigation of bias but declined to challenge the arguments made.
22. On 26 February 2009 the Commissioner responded to the complainant's accusations of bias by explaining further that the MoJ's arguments had been supported by evidence, whereas the complainant's submissions consisted largely of his own correspondence, and the allegations which it contained did not constitute evidence. He gave the complainant a further opportunity to provide corroborative evidence for his position.
23. The complainant's response of 4 March 2009 referred to various procedural anomalies in the MoJ's responses. He explained that the PHSO had also rejected his complaints and criticised her handling of his

complaint in the matter, and also the High Court for its refusal to grant Judicial Reviews of the complaints considered in the PHSO's decision.

Scope of the case

24. The Commissioner has investigated the way the request for information was handled and in particular the complainant's contention that he was fully entitled to request the information in order to establish whether the head of the Ministerial Correspondence Unit was exceeding his powers.
25. The complainant has accepted the public authority's statement that it has no written authority to ban correspondence and has not indicated that he wishes the Commissioner to investigate whether the MoJ holds any information in respect of the second part of his request. This aspect of the complainant's request has therefore not been considered further.
26. The complainant also raised other issues that are not addressed in this Notice because they are not requirements of Part 1 of the Act.

Findings of fact

27. The complainant acknowledges that he has a long history of correspondence with various public bodies. The Ministry of Justice has provided evidence for the volume of correspondence received from the complainant:
 - 1999 – 2 letters
 - 2001 – 3 letters
 - 2002 – 21 letters
 - 2003 – 9 letters
 - 2004 – 2 letters
 - 2005 – 33 letters
 - 2006 – 37 letters
 - 2007 – 62 letters
 - 2008 – 25 letters to date (this information was provided on 12 May 2008).
28. These figures have been put to the complainant and are not disputed. The MoJ has commented on the significant increase in correspondence since the introduction of the Freedom of Information Act in January 2005.
29. A telephone call was made on 3 August 2005 from the head of the Ministerial Correspondence Unit at the MoJ to the complainant, with the expressed aim of producing a more manageable level of communication. The complainant alleges that this individual was rude and arrogant and that the nature of this call was unacceptable. It has not been possible to establish definitively the content and tenor of the call but the MoJ has not produced any evidence to refute the complainant's allegation.
30. The complainant made a written complaint to the MoJ about this telephone call, addressed to the Private Secretary to the Permanent Secretary. The

MoJ has acknowledged that no disciplinary action was taken, or considered warranted, against the individual in response to the complainant's allegations. The public authority considers that his complaints were dealt with appropriately at the time.

31. Special measures for the handling of the complainant's correspondence were approved by the Permanent Secretary, put in place and notified to the complainant in a letter dated 12 February 2007. These are summarised below.
- The use of a specific fax number within the MoJ to which correspondence should be sent.
 - Correspondence sent to any other fax number would be destroyed.
 - Only correspondence which raises new and substantial issues will receive a response.
 - Any correspondence should be addressed to a named individual, the manager responsible for public correspondence in the office, who was familiar with the complainant's correspondence history and would arrange a response, if appropriate.
 - Correspondence which revisited issues which had already been dealt with, or deemed a continuation of long-standing grievances would be placed on file unacknowledged.
 - A request was made that the complainant not telephone officials and he was advised that staff have been instructed to terminate calls from him.
 - He was reminded that he was entitled to make requests under the Act and the MoJ would consider them and deal with them in accordance with the Act, but that any repeated or vexatious requests would be refused under the provisions of the Act.
 - Any requests made should be addressed, as above, to the nominated individual in the MoJ.
 - The complainant was reminded of his right to complain to the Ombudsman.

Analysis

Procedural matters

32. Section 14(1) of the Freedom of Information Act 2000 provides that:

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

33. In considering section 14(1) in this case, the Commissioner will consider the context and history of the request, as well as the strengths and weaknesses of both parties' arguments in relation to the following five factors, to reach a reasoned conclusion as to whether a reasonable public

authority could refuse to comply with the request on the grounds that it is vexatious:

- would compliance create a significant burden in terms of expense and distraction;
 - does the request have any serious purpose or value.
 - is the request designed to cause disruption or annoyance;
 - does the request have the effect of harassing the public authority or its staff; and
 - can the request otherwise fairly be characterised as obsessive or manifestly unreasonable.
34. The complainant has on various occasions made certain comments in his correspondence, including in his letters to the Commissioner. When challenged on some of these during the Commissioner's investigation, he has apologised and retracted or modified those statements. These mis-statements may have arisen as a result of a genuine misunderstanding, or from an understandable desire to convey his degree of disquiet, but they had the further effect of prompting the Commissioner to request from the complainant further evidence in support of his position than simply his own written accounts. When such evidence has been requested, the complainant has not produced it, despite being given several opportunities to do so by the Commissioner. The Commissioner has taken this into account when considering the strengths and weaknesses of the arguments made.

Would compliance create a significant burden in terms of expense and distraction?

35. The Commissioner notes that the complainant's correspondence typically includes comments, suggestions and criticisms of government policies and departmental procedures. It is common for correspondence to revisit earlier matters, particularly where the complainant remains dissatisfied with the response.
36. The history of the complainant's correspondence also shows that responses from the public authority commonly elicit further correspondence from the complainant, often copied to several parties. The complainant frequently incorporates questions in his letters challenging or requiring justification for a given position.
37. The Commissioner considers, in accordance with the comments of the Information Tribunal in *Betts v the Information Commissioner* EA/2007/0109, that even if it would not create a significant burden to respond to an individual request, it may still be reasonable for a public authority to conclude that compliance would result in a significant burden if answering that request, was "...extremely likely to lead to further correspondence, further requests and in all likelihood, complaints against individual officers..."

38. The Commissioner considers that in the circumstances of this case it is reasonable to conclude that compliance with this request would be extremely likely to lead to further correspondence, further requests and complaints against individual officers.
39. The Commissioner has also taken into account the effect of the complainant's approach of copying a single item of correspondence to several individuals, sometimes enclosing copies of previous correspondence deemed to be relevant. It is not always apparent why certain individuals have been selected for correspondence when their remit may not encompass the subject material, nor whether the complainant expects a response from all recipients.
40. This generates a considerable volume of correspondence, some of dubious relevance to the recipient, and it is apparent that if all recipients responded then a substantial amount of work, much of it duplicated across various departments, would ensue. The Commissioner considers that in providing one contact point for all correspondence from this complainant the public authority has attempted to limit this burden. However, the complainant's persistence in pursuing his correspondence in this manner has meant that this measure has not reduced the burden to any significant extent.
41. In light of the above the Commissioner concludes that the volume and content of correspondence is likely to constitute a significant burden in terms of expense and distraction from the public authority's core business.

Does the request have any serious purpose or value?

42. The complainant has stated in a letter to the Commissioner, dated 9 February 2009, that:

"it is necessary to go back to 2005 to attempt to establish why the [MoJ] should go to such extraordinary lengths to deny me a simple and innocuous piece of information."

43. His complaint has its roots in the offence taken during a telephone conversation with a senior official at the MoJ on 3 August 2005 (although this call was itself made as a result of previous correspondence which is not the subject of this complaint) and was prompted by what the complainant considers to be the official acting beyond his powers in the letter of 12 February 2007.
44. The complainant has alleged that a senior official behaved in a "rude and arrogant" fashion in a telephone call to him, and that, despite his complaints about this behaviour, no action was taken.
45. The Commissioner requested the MoJ provide details of any record of the telephone call of 3 August 2005 from the head of the Ministerial Communications Unit to the complainant, including any record of the

circumstances of the termination of the call. The MoJ has confirmed that it has no records of this nature.

46. The Commissioner observes that the MoJ has neither confirmed, denied, nor produced any evidence to refute or disprove, the complainant's allegations of the official's behaviour. The MoJ has also confirmed that no disciplinary action was considered warranted following the complainant's allegations.
47. The Commissioner makes no judgement about the content of the telephone call, but acknowledges that the complainant's feelings of anger and frustration would be understandable in the circumstances if he felt that the public authority had chosen not to address his concerns. He considers that this may go some way toward demonstrating a serious purpose to the complainant's requests if he felt that he was unable to obtain redress by any other means.
48. The complainant's own expressed purpose for the original freedom of information request in his letter of 22 September 2007 was to establish whether the head of the Ministerial Correspondence Unit had been acting beyond his powers in establishing the special handling measures detailed at paragraph 30, which the complainant describes as:

“wide-ranging powers, which surely equate with those of a Permanent Secretary”.
49. The Commissioner observed that the MoJ's correspondence of 12 February 2007, which describes these special handling measures, indicates that these measures had been approved by the Permanent Secretary.
50. It is apparent that the complainant had a serious purpose in requesting the information, namely to establish whether any improper use of authority has occurred, and this in itself would be a strong argument against the MoJ's claim of vexatiousness.
51. However, the correspondence makes it clear that the actions have been overseen and approved by an official who, the complainant agrees, would have the necessary authority. This undermines his argument and has been pointed out to the complainant, who persists with his claim.
52. In considering the purpose and value of the request the Commissioner requested that the MoJ provide evidence for its statement that the complainant's concerns had been taken to the PHSO, who had found in the MoJ's favour, and that subsequent appeals as far as the Administrative Court had similarly not been upheld. The MoJ provided the Commissioner with a copy of the PHSO's report, which found no evidence of maladministration in complaints made by the complainant which were substantially similar to those raised by him with the Commissioner. The MoJ also provided copies of two High Court documents, indicating that two applications for Judicial Review, brought by the complainant against the

MoJ, were refused by the Administrative Court, with costs awarded to the MoJ.

53. The complainant's allegations into various failings on the part of the MoJ, including the specific conduct of the individual in the telephone call, were therefore investigated by the PHSO, who found no evidence of maladministration. The complainant attempted to further challenge the public authority at the Administrative Court in two Judicial Reviews, but his applications were refused by the court. The Commissioner considers that the purpose and value of the request is reduced by the fact that the underlying issues have already been considered by both the PHSO and the High Court.
54. The Commissioner is guided by the Information Tribunal in *Coggins* (EA/2007/0130), at paragraph 20:

"[...] the Tribunal could imagine circumstances in which a request might be said to create a significant burden and indeed have the effect of harassing the public authority and yet, given its serious and proper purpose ought not to be deemed as vexatious. For instance, one could imagine a requester seeking to uncover bias in a series of decisions by a public authority, covering many years and involving extensive detail, each of fairly minor importance in themselves but representing a major issue when taken together. This might indeed be experienced as harassing but given the issue behind the requests, a warranted course of action. The case before us might have been such a case had it not been for the existence of the independent investigations. A decision as to whether a request was vexatious within the meaning of section 14 was a complex matter requiring the weighing in the balance of many different factors."

55. The same Tribunal, at paragraph 25 stated:

"There came a point however when the Appellant should have let the matter drop. Even if he believed that the Council had not properly complied with his earlier FOIA requests, there had been three independent enquiries into the circumstances giving rise to the request. One of these bodies, CSCI, had seen the witness evidence. In addition, the Appellant was aware that the police had told Age Concern that there was no evidence of dishonesty. Despite all this, the Appellant refused to believe the veracity of the independent investigations. In the Tribunal's view, it was not justified in the circumstances to persist with his campaign".

56. A differently constituted Information Tribunal in *Hossack* (EA/2007/0024) stated at paragraph 25:

"Whatever cause or justification Mr Hossack may have had for his campaign initially, cannot begin to justify pursuing it to the lengths he has now gone to. To continue the campaign beyond the Ombudsman's

second report, when his complaint had been exhaustively and externally investigated, and once the Department had accepted the errors, apologised for them and paid compensation, is completely unjustified and disproportionate.”

57. The Commissioner acknowledges that the latter situation is not directly analogous, insofar as the complainant in this case has received no admission of fault, still less any apology, redress or compensation from the public authority in response to his complaint. Nevertheless he considers that the scale of the complainant's correspondence, its sometimes argumentative nature, and the long period of time over which the correspondence was undertaken is out of all proportion to the insult he maintains he was subjected to.
58. Taking all the above into consideration, the Commissioner considers that any serious purpose or value the complainant may have originally had in his requests to the MoJ, culminating in the request which is the subject of this investigation, is considerably undermined by the disproportionate nature of the complainant's responses and his unwillingness to back down even when it is pointed out to him that he has erred in certain important respects.
59. Balancing that, the Commissioner observes that the MoJ has, politely, demonstrated a degree of unwillingness to compromise in its dealings with the complainant which have not fostered an atmosphere in which the parties were ever likely to be reconciled.
60. In light of the above the Commissioner has concluded that the complainant's expressed serious purpose and value for his requests is overstated,.

Is the request designed to cause disruption or annoyance?

61. As previously stated, the history of the complainant's correspondence shows that responses from the public authority commonly elicit further correspondence from the complainant, often copied to several parties. The complainant also frequently incorporates questions in his letters challenging or requiring justification for a given position.,
62. The Commissioner observes that the actual effect of much of the complainant's correspondence, particularly the reopening of closed disputes and arguments, taken in conjunction with the challenging questions, is to cause disruption and annoyance, but he does not accept that this was the primary intended effect. From the evidence available he considers that it is more reasonable to conclude that the request was designed to assist the complainant in arguing his case against the public authority, than that it was designed to cause disruption or annoyance. He notes that sending the letters might be considered to exhibit a measure of carelessness with regard to the effect on their recipients, but he does not

consider this sufficient to conclude that the requests are actually designed to cause disruption or annoyance.

Does the request have the effect of harassing the public authority or its staff?

63. As well as considering the intention or design behind the request the Commissioner has also considered its effect on the public authority and its staff. In doing this he has taken into account the volume and nature of the correspondence in question and the likelihood that a response ending the ongoing exchange of correspondence could ever realistically be provided. He notes that many of the matters raised in the complainant's correspondence are directed specifically at the conduct of one individual, or at the public authority's implied failures to deal with his allegations about that individual's misconduct. He also notes that previous correspondence suggests that the complainant is likely to use responses provided as the impetus for further correspondence and requests.
64. He concludes that in light of this it is reasonable to conclude that the effect of the request would be to harass the public authority or its staff.

Can the request otherwise fairly be characterised as obsessive or manifestly unreasonable?

65. The Commissioner notes that the complainant continues to revisit subjects which he deems not to have been adequately addressed. Whilst such persistence will not always lead to a conclusion that a request is obsessive or manifestly unreasonable, the Commissioner has, in the circumstances of this case, accepted this as evidence that this request can be fairly characterised as obsessive. In reaching this view the Commissioner has taken into account the extent to which the complainant's underlying concerns have already considered by both the PHSO and the High Court.
66. The Commissioner also accepts the approach of copying correspondence to parties whose relevance is unclear, as evidence that this request can fairly be characterised as obsessive or manifestly unreasonable.

Conclusion

67. Taking all the matters into account, the Commissioner considers that compliance with the complainant's request would create a significant burden in terms of expense and distraction, would have the effect of harassing the public authority or its staff and could otherwise fairly be characterised as obsessive or manifestly unreasonable.
68. The Commissioner does not consider the request to have been expressly designed to cause disruption or annoyance, although he considers that the complainant has been careless as to the possible effect of his correspondence in that respect .

69. The Commissioner accepts that the request does have some serious purpose or value but that this, in itself, is not sufficient to justify the lengths that the complainant has gone to in his dealings with the public authority. The Commissioner therefore concludes that this serious purpose is not sufficient to counter the arguments in favour of the public authority's position and that therefore the public authority was correct in its application of section 14(1) of the Act to the complainant's request.

The Decision

70. The Commissioner's decision is that the public authority dealt with the request for information in accordance with the Act and that it was justified in applying section 14(1).

Steps Required

71. The Commissioner requires no steps to be taken.

Other matters

72. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters of concern.
73. Part VI of the section 45 Code of Practice makes it desirable practice that a public authority should have a procedure in place for dealing with complaints about its handling of requests for information, and that the procedure should encourage a prompt determination of the complaint. As he has made clear in his *'Good Practice Guidance No 5'*, published in February 2007, the Commissioner considers that these internal reviews should be completed as promptly as possible. While no explicit timescale is laid down by the Act, the Commissioner has decided that a reasonable time for completing an internal review is 20 working days from the date of the request for review. In exceptional circumstances it may be reasonable to take longer but in no case should the time taken exceed 40 working days. The Commissioner is concerned that in this case, it took around 60 working days for an internal review to be completed, despite the publication of his guidance on the matter
74. Whilst the complainant's letter of 22 November 2007 was treated by the MoJ as a request for internal review, this was not acknowledged to the complainant. Consequently, he believed his complaint was not receiving proper attention and continued to try to escalate matters in further correspondence. This oversight was exacerbated when the outcome of the internal review failed to arrive with the complainant at the end of February

2008 and was only conveyed to him following the intervention of the Commissioner in April 2008. The Commissioner is concerned that in this respect the public authority failed to conform to Part VI of the section 45 Code of Practice. The Code makes it desirable practice that in all cases complaints should be acknowledged promptly, that complainants should be informed of a target date for determining the complaint, and that the complainant should always be informed of the outcome of his or her complaint.

75. The refusal notice on 22 October 2007, and the 25 February 2008 letter providing the outcome of the MoJ's internal review, were both signed by the same person. The complainant alleges that this is evidence of the MoJ acting as *'judge and jury'* in its approach to his complaints.
76. The MoJ has clarified that the decision to refuse the request was not taken by the signatory to the letters, and that the internal review was conducted by a different, senior individual. The Commissioner therefore does not consider that the public authority has, in that respect, failed to conform to Part VI of the section 45 Code of Practice. Rather, the signatory to the letters was the complainant's nominated point of contact, not the person responsible for the initial decision or the review.

Right of Appeal

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 7th day of September 2009

Signed

**Lisa Adshead
Senior FOI Policy Manager**

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

Legal Annex

S.1 General right of access

Section 1(1) provides that -

'Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.'

S.14 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'

Section 14(2) provides that –

'Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with a previous request and the making of the current request.'