

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 3 August 2009

Public Authority: The Crown Prosecution Service
Address: 50 Ludgate Hill
London
EC4M 7EX

Summary

The complainant engaged in a lengthy correspondence with the Crown Prosecution Service (CPS) from February 2005 to September 2007 as part of a complaint he was pursuing. The correspondence contained a large number of requests, made under the Freedom of Information Act 2000 (the Act), to which the CPS provided a variety of responses. The complainant continued to correspond with the CPS which then refused to answer his requests, declaring them vexatious and/or repeated under section 14(1) and section 14(2) of the Act. The complainant then made a further series of requests for information, and the CPS restated its position that his requests were vexatious. The Commissioner finds that some of the requests made by the complainant fall outside the scope of the Act and, in those cases where the Act applies, that the CPS is correct in its application of section 14(1) of the 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. The correspondence has its origins in a complaint made against the South Wales Crown Prosecution Service ('SWCPS') by the complainant following a magistrates' court case in February 2005, in which he was convicted of a motoring offence and sentenced, the conduct and outcome of which he considers unsatisfactory.

3. The complainant was defended by counsel during the hearing. He has expressed concerns over the way his defence was conducted in his letter to the Director of Public Prosecutions of 11 December 2006.
4. The CPS has advised the complainant that he had the right to challenge the outcome via an appeal to a higher court and that this was his appropriate course of action and, furthermore, that the CPS has no powers to overturn a court verdict or sentence. The Commissioner accepts that the CPS has no powers to overturn a court verdict or sentence.
5. The complainant, while indicating his intentions to take up the option to appeal his conviction, has not done so but has pursued his complaint against the SWCPS directly. He explains that this action is necessary in order to obtain evidence for his appeal.
6. The complainant has also exhausted the CPS internal complaints procedure, which has provided explanations in relation to his concerns but which did not find in his favour.

The Request

7. In a letter dated 5 September 2007 to the SWCPS, the complainant requested the following:

“As previously stated CPS South Wales have seen fit to involve CPS Headquarters with FOI requests which leads to an FOI request on how many occasions since 2005 has this occurred and has it been ever necessary for the information commissioner Mr Richard Thomas to intervene in respect of practice recommendations, enforcement notices or even court action.”

8. With reference to a letter dated 16 May 2007 from the CPS, which first declared his requests vexatious or repeated, the complainant also asked a series of nineteen questions in an annex to his letter, listed as Annex 2, each described as “New FOI Request” as below:

“New FOI Request”

1) How could correspondence be accessible by another means?

“New FOI Request”

2) Has all Data Protection material been examined by the department that deals with complaints particularly [named individual]’s “background note” document dated 4th January 2007 which is enclosed at Annex 1?

“New FOI Request”

3) On how many occasions since 2005 has it been necessary for CPS Headquarters to be involved with South Wales CPS FOI requests?

"New FOI Request"

- 4) *Has it ever been necessary for the Information Commissioner, Mr Richard Thomas, to intervene against the CPS in respect of*
- a) *Practice Recommendations*
 - b) *Enforcement Notices*
 - c) *Court Action*

"New FOI Request"

- 5) *Is the Crown Prosecution Service seriously suggesting my efforts to prove the South Wales CPS is at fault contravenes Section 14 of the FOI Act?*

"New FOI Request"

- 6) *The Attorney General's Office implemented Section 21 of the FOI Act and informed me precisely where the information I requested could be obtained.*

Why have South Wales CPS FOI Unit and CPS Headquarters not done likewise when the opportunity arose?

"New FOI Request"

- 7) *[Named individual] stated that complaints in respect of staff be dealt with by Line Managers, he also refers to Sir Ken MacDonald [The Director of Public Prosecutions] as a Line Manager.*

So why is my complaint regarding [named individual] not being dealt with by the Director of Public Prosecutions, Sir Ken MacDonald?

"New FOI Request"

- 8) *Who deals with the general complaints against the CPS?*
- a) *An individual*
 - b) *A Committee*
 - c) *A paperwork exercise*
 - d) *An oral hearing with the Complainer present*

"New FOI Request"

- 9) *Regarding FOI and Data Protection complaints, who deals with the review procedure?*
- a) *An individual*
 - b) *A committee*
 - c) *A paperwork exercise*
 - d) *An oral hearing with the Complainer in accordance with the FOI Act, Chapter 36 Part III Item 45 2c*

"New FOI Request"

- 10) *How many SCS Staff and Prosecutors based at South Wales Crown Prosecution Service have been in receipt of a performance related bonus since 2005?*

"New FOI Request"

11) *How many judgements have been made against the CPS since 2006 and what is the total financial payments involved?*

"New FOI Request"

12) *Are the signatures referred to in Annex 1 page 2 in respect of [names of two individuals] authentic – Yes or No?*

"New FOI Request"

13) *Did [names of two individuals] of SWCPS undertake FOI training during 2004 prior to the launch date on January 2005?*

"New FOI Request"

14) *Did [named individual] of South Wales CPS have any involvement associated with the FOI Act since 2004 – Yes or No?*

"New FOI Request"

15) *In all correspondence exchanges with the South Wales CPS have there been any mendacious responses?*

"New FOI Request"

16) *Not taking into consideration an FOI or Data Protection complaint, what action can The Attorney General take if a person has been found guilty in court due to a Crown Prosecution error?*

"New FOI Request"

17) *Are the following gentlemen still employed at SWCPS:-*

<i>Chief Prosecutor</i>	<i>[named]</i>
<i>Divisional Crown Prosecutor</i>	<i>[named]</i>
<i>Prosecutor Barrister</i>	<i>[named]</i>
<i>Solicitor</i>	<i>[named]</i>
<i>Solicitor</i>	<i>[named]</i>
<i>And at CPS Headquarters</i>	<i>[named]</i>

"New FOI Request"

18) *Was an untruth response made at the Cardiff Magistrates Court on 17th February 2004, whilst under oath, by witness [named] to a question posed by Barrister Prosecutor, [named], which he should never have made?*

"New FOI Request"

19) *Despite the fact that the Director of Public Prosecutions, Sir Ken MacDonald, has discussed a case with a member of the public prior to a judicial review, why have my offers to discuss my case with Sir Ken MacDonald and the Chief Prosecutor for the South Wales Prosecution Service, [named], been completely ignored.*

**Note* Any response you choose to redact if appropriate, please advise in accordance with the FOI Act Section 21 where this information can be obtained."*

The Investigation

Scope of the case

9. On 27 February 2008 the complainant contacted the Commissioner to complain about the way his request for information had been handled by the CPS¹.
10. The complainant specifically asked the Commissioner to consider the following points:
 - a) The CPS claimed that it was the complainant's habit of making multiple requests in each letter which had led them to declare his requests vexatious and consequently decline to respond to his nineteen requests of 5 September 2007.
 - b) The complainant maintains his requests were not vexatious for the following reasons:
 - certain answers to previous requests were 'unacceptable';
 - certain requests remain unanswered;
 - several requests had to be repeated;
 - certain information was 'misleading';
 - the response (from the public authority, stating) '*there has been no human errors*' (sic);
 - the '*pathetic*' (the complainant's term) responses of two SWCPS gentlemen who in (the complainant's) opinion were '*lacking the knowledge of the FOI Act*' (sic);
 - the response (from the public authority, stating) '*There has been no system error*' despite the fact that it has been highlighted by HMCPS Inspectorate Reports;
 - inconsistencies in the CPS actions;
 - newspaper and television reports regarding the CPS have resulted in obtaining full court proceedings which led to various requests;
 - information posted on the internet has resulted in various requests;
 - administration errors;
 - acknowledged only no response forthcoming.

The Commissioner notes that several of these reasons are not obviously relevant when considering whether the complainant's requests were appropriately refused on the basis of section 14(1) of the Act however they are simply listed here for completeness' sake. This Decision Notice will confine itself to consideration of the CPS' application of section 14 of the Act.

¹ It should be noted that while the complainant's correspondence was originally with the SWCPS, responses have variously been made by the SWCPS and by the CPS headquarters in London. For the purposes of this Decision Notice, unless a distinction will aid clarity, the abbreviation CPS will be used throughout. SWCPS is part of the CPS, which is the public authority for the purposes of the Act.

11. The complainant also raised other issues that are not addressed in this Notice because they are not requirements of Part 1 of the Act.
12. He asked that the Commissioner review the public authority's responses to all his freedom of information requests to-date. With the exception of the requests listed above, the remainder are significantly outside the Commissioner's accepted timescale for bringing a complaint about a public authority's response. Consequently the specific responses have not been examined in detail, beyond what has been necessary to understand the context and history to the complainant's most recent requests of 5 September 2007 which are the subject of this decision notice.

Chronology

13. Brief summaries of the complainant's FOI and Data Protection Act request history have been provided by both the CPS and the complainant and are compiled here:

Date of request noted by public authority	Date of request noted by complainant	Number of questions	Date of response by the CPS
5 January 2005	5 January 2005	2	11 January 2005
-	22 February	1	-
-	16 March	1	-
-	11 May	?	-
-	21 May	2	-
14 June	14 June	16	23 June
7 July	7 July	17	27 July
12 August	12 August	26	25 August
12 October	13 October	27	27 October
-	28 November	13	-
12 December	10 December	1	19 December
3 January 2006	3 January 2006	1 subject access request (SAR) under the Data Protection Act 1998	14 February 2006
20 February	20 February	1, related to above	27 February
7 March	7 March	1, repeat of above	10 March
-	19 April	11	-
12 June	12 June	1	13 June
23 August	23 August	10	22 September
-	14 October	1	-
-	11 December	Various, restated to Director of Public Prosecutions	-
5 February 2007	5 February 2007	6	7 February 2007
22 February	22 February	8	26 February
17 March	17 March	7	11 April

27 March	27 March	1	2 April
14 April	-	-	16 May
5 September	5 September	19	10 September

14. It should be noted that, while some dates and details differ, there is broad agreement between both parties regarding the overall number and frequency of requests, and the period of time over which they have been made.
15. The subject of this investigation is the response to the requests made by the complainant on 5 September 2007 to the SWCPS.
16. The CPS replied on 10 September 2007, issuing a refusal notice citing section 14(1) of the Act, and referring the complainant to its previous letter of 16 May 2007 in which it had warned that further freedom of information requests connected to this matter were likely to be rejected as vexatious or repeated requests under section 14(1) and section 14(2) of the Act.
17. The public authority's refusal notice did not inform the complainant of any right to internal review and none was requested or conducted. Consequently, it should be noted that the Commissioner has accepted this complaint in the absence of an internal review.

Analysis

18. 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 some or all of the following five factors, to reach a reasoned conclusion as to whether the public authority appropriately refused to comply with the requests on the grounds that they were vexatious.
 - Would responding create a significant burden in terms of expense and distraction?
 - Were they designed to cause disruption or annoyance?
 - Do they have the effect of harassing the public authority?
 - Can they otherwise fairly be characterised as obsessive or manifestly unreasonable?
 - Do they have any serious purpose or value?

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

19. The CPS notes in its refusal notice of 10 September 2007 that the complainant has, to date, submitted 'at least 156' separate questions since 2005 and that attempting to answer the questions raised in his latest correspondence would constitute a significant burden on staff who have already responded to his many previous requests. The Commissioner notes that the complainant's correspondence often runs to several pages of closely-typed text, plus annexes,

and requires careful reading if all the embedded freedom of information requests are to be correctly identified.

20. It should be noted that the aggregated total number of requests listed in the 'Chronology' section, above, is greater than 156. The number of requests itemised by the public authority itself totals 128 questions, not 156. The list provided by the complainant differs slightly, includes additional dates not listed by the public authority and does not always specify the number of requests made in each letter. (Where there is evident agreement on the submission of a request, the figure quoted is the one supplied by the complainant).
21. The complainant also lists items of correspondence, additional to those above, which did not contain freedom of information requests. It is therefore apparent that while there are differences in each party's list, there is broad agreement on the quantity and frequency of correspondence regarding the same or similar issues. Even taking the lower of the totals identified above, 128 questions incorporated into more than twenty letters, many of considerable length, constitutes a significant burden which may have the effect of taking staff resources away from other tasks related to their core functions.
22. It is apparent from the correspondence that the CPS responses to the complainant's requests often generate further letters and requests for information from the complainant. The CPS has already explained to the complainant that it has no remedy for his complaint and that he should appeal his conviction to a higher court if he is unhappy with the outcome. Consequently, the matters raised by the complainant are a distraction from the CPS' main activities and dealing with the complainant's correspondence will have the effect of diverting staff from their core activities.
23. The Commissioner notes the comments of the Information Tribunal in *Betts v Information Commissioner*, (EA/2007/0109), at paragraph 34:

"Albeit it may have been a simple matter to send the information requested in January 2007, experience showed that this was extremely likely to lead to further correspondence, further requests and in all likelihood complaints against individual officers. It was a reasonable conclusion for the Council to reach that compliance with this request would most likely entail a significant burden in terms of resources."

Were they designed to cause disruption or annoyance?

24. While the Commissioner acknowledges the feelings of grievance evidenced by the history of the complainant's correspondence with the CPS, he also notes the complainant's tone may occasionally stray into the argumentative. Using words such as 'absurd' [5 February 2007], 'drive' [5 September 2007] and 'pathetic' [5 September 2007] might be expected to cause annoyance in its intended recipient. However the Commissioner does not consider this to be the complainant's primary purpose, even though it may be a secondary effect. Whilst he considers that it would be reasonable to expect anybody writing in these terms to be aware that this might be the case he has nevertheless

concluded that the requests were not specifically designed with this purpose in mind.

Do they have the effect of harassing the public authority?

25. The Commissioner considers that, of the nineteen questions listed in the annex to the complainant's letter of 5 September 2007, some might reasonably require clarification before a meaningful response may be given by the public authority. These and others appear to be intended to require the public authority to engage in further correspondence with the complainant.
26. Some questions give the names of individuals, several of whom are the subject of criticism in the complainant's correspondence. The Information Tribunal in *Gowers v Information Commissioner and London Borough of Camden* (EA/2007/0114) stated at paragraphs 53 and 54:

"the Appellant often expressed his dissatisfaction with the CCU in a way that would likely have been seen by any reasonable recipient, as hostile, provocative and often personal [...] any reasonable public authority would likely have perceived the Appellant's 10 requests in issue in this appeal, as a continuation of his campaign. This is likely to have been compounded by the frequency and persistence of the requests, the focus on obtaining negative information about the CCU, and by the fact that the requests were often interspersed with further allegations of incompetence and bias. We find that taken in their context, the requests are likely to have been very upsetting to the CCU staff and that they, and particular Mr Swingler, are likely to have felt deliberately targeted and victimised."

The Commissioner considers that the named individuals in the complainant's series of requests could similarly have felt targeted and victimised by being singled-out in this fashion.

27. The question posed in the body of the 5 September 2007 letter is acknowledged by the complainant to have been prompted by the CPS' response to a previous freedom of information request.
28. The complainant's earlier correspondence, of 22 February 2007 and 12 August 2005, contains repeated or re-phrased questions where the complainant declares himself dissatisfied with the previous CPS response. It is also common for the complainant to raise further questions based on the responses provided by the public authority.
29. The Commissioner considers that many of the questions which ask for comment or opinion appear designed to draw out admissions of unsatisfactory practices or behaviour on the part of either the CPS or individuals working for the public authority. Taken in conjunction with the complainant's habit of asking further questions prompted by responses to previous requests, the Commissioner finds that the complainant's behaviour has the effect of harassing the public authority.

Can they otherwise fairly be characterised as obsessive or manifestly unreasonable?

30. The Commissioner has been provided with a copy of a 24-page letter of complaint, sent on 11 December 2006 from the complainant to the Director of Public Prosecutions at the CPS headquarters in London. This revisits many of the freedom of information requests made prior to that point, with the complainant's comments on the CPS responses. It is explained that the complainant's intention in making these requests was to obtain information which would enable him to remedy an error or correct false information.
31. The response from the CPS, dated 23 January 2007, indicated that it had reviewed all the correspondence and case papers, that the public authority was not upholding the complaint for reasons which had been previously explained and was unable to offer any further assistance as the complainant had now reached the final stage of the CPS' internal complaints procedure. It advised the complainant that, if he was unhappy with the conviction or sentence, he should seek independent legal advice about appealing the case and explained that the CPS had no power to overturn these.
32. The Commissioner is guided by comments made by the Information Tribunal in the case of *Betts*, (EA/2007/0109), which stated (paragraph 38):

"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 latest 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 in this matter had been outweighed by the drain on resources and diversion from necessary public functions that were a result of his repeated requests."

33. In his letter of complaint to the Commissioner, the complainant states: *'All I require is a positive response from the CPS which I consider to be unsatisfactory [...]'*. The correspondence shows that where the complainant is dissatisfied with, or disagrees with, the CPS response he often repeats the question. While this, in itself, is not a manifestly unreasonable response to an isolated freedom of information request, the context and history suggests that what the complainant refers to as a "positive response" would be nothing short of capitulation by the CPS. The public authority has sought to engage and provide responses to the complainant's requests within the provisions of the Act. The Commissioner has considered the history of exchanges between the parties and does not consider there to be evidence to suggest that the actions of the public authority have necessitated further or repeated requests by the complainant. For example this is not a case in which a request for a document has been made and having read it the applicant has needed to make a further request for material cited in the original document. In view of this the Commissioner is satisfied that the complainant's pattern of requests can be considered obsessive.

34. As in the case of *Betts*, the complainant continued to submit freedom of information requests to the CPS on the same general themes, which are considered an attempt to prolong or revisit a previous dispute. A more appropriate and effective route to a remedy for his underlying grievance had been suggested by the public authority but does not appear to have been properly pursued by the complainant.

Do they have any serious purpose or value?

35. The complainant's original dispute with the CPS centres on his treatment in a magistrates' court hearing where he was convicted of a motoring offence. It was open to him to appeal his conviction to a higher court, in this case the Crown Court. The complainant has previously expressed his intention to pursue this route but did not appear to have done so by the time of the requests that are the subject of this notice was submitted to the public authority. The Commissioner also notes that there are court procedures in both criminal and civil matters which provide parties with a means of accessing material that is relevant to any appeal. In the Commissioner's view the fact that the complainant has not sought to appeal or to make use of existing procedures means that the requests do not have a serious purpose or value.
36. The complainant has expressed concerns over his defence counsel's handling of his case in court but gives no indication that he has made any complaint against them. By not taking the opportunity to make a complaint about his legal representative, the complainant has bypassed an avenue arguably better suited to resolving his grievance.
37. While it is clear the complainant also considers his requests to have serious purpose and value because he believes that the information he has requested will evidence his claims of general incompetence or malpractice on the part of the public authority. However the Commissioner has seen no evidence to support the suggestion of such broad incompetence, nor does he consider that the various questions in the list at annex 2 to the complainant's letter advance any claim of incompetence or malpractice in relation to the court case in question.
38. The Commissioner is satisfied that, whilst there is sufficient similarity between the requests to demonstrate that they are obsessive, they also illustrate that the complainant has strayed from his original declared intentions to obtain material relevant to an appeal and therefore he considers that they lack serious purpose or value.
39. The Commissioner also notes the comments of the Information Tribunal in *Welsh*, (EA/ 2007/0088), at paragraph 26:

"...there is a danger that setting the standard of vexatiousness too high will diminish public respect for the principles of free access to information held by public authorities enshrined in FOIA. There must be a limit to the number of times public authorities can be required to revisit issues that have already been authoritatively determined [...]"

40. While the complainant's underlying dissatisfaction with the conduct of his court case is not in doubt, his remedy lay in his right of appeal to a higher court or perhaps in a complaint against his legal representative. He has not taken that course, but instead has chosen to pursue the CPS via a series of freedom of information requests. The Commissioner does not enquire why he has adopted this approach but the complainant has not provided any significant evidence to demonstrate that there has been any malpractice or incompetence. As noted in *Welsh*, above, the consequences to the complainant of declaring his requests vexatious are not severe and the standard need not be set too high.
41. Having considered all of the factors above the Commissioner is satisfied that the complainant's requests were vexatious. Though he does not consider that they were deliberately designed to cause disruption or annoyance he is nevertheless satisfied that they were obsessive, created a significant burden in terms of expense and distraction and had the effect of harassing the public authority. He has considered whether the requests had a serious purpose or value such that it would be wrong to deem them vexatious and for the reasons given above has concluded that they did not.

Procedural matters

42. With reference to paragraph 17, above, the CPS' refusal notice of 10 September 2007 did not advise the complainant of any right to internal review or state that one was not available. This constituted a breach of section 17(7)(a) of the Act, though the Commissioner has not issued any remedial steps in this regard in light of the contents of this notice.

The Decision

43. The Commissioner's decision is that the public authority dealt with the request for information in accordance with the Act.

Steps Required

44. The Commissioner requires no steps to be taken.

Right of Appeal

45. 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 3rd day of August 2009

Signed

**Jo Pedder
Senior 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.'

Section 1(2) provides that -

'Subsection (1) has the effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14.'

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.'

S.17 Refusal of Request

Section 17(1) provides that -

'A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which -

(a) states that fact,

(b) specifies the exemption in question, and

(c) states (if that would not otherwise be apparent) why the exemption applies.'

Section 17(2) states –

'Where–

(a) in relation to any request for information, a public authority is, as respects any information, relying on a claim–

- (i) that any provision of part II which relates to the duty to confirm or deny and is not specified in section 2(3) is relevant to the request, or*
- (ii) that the information is exempt information only by virtue of a provision not specified in section 2(3), and*

(b) at the time when the notice under subsection (1) is given to the applicant, the public authority (or, in a case falling within section 66(3) or (4), the responsible authority) has not yet reached a decision as to the application of subsection (1)(b) or (2)(b) of section 2,

the notice under subsection (1) must indicate that no decision as to the application of that provision has yet been reached and must contain an estimate of the date by which the authority expects that such a decision will have been reached.'

Section 17(3) provides that -

'A public authority which, in relation to any request for information, is to any extent relying on a claim that subsection (1)(b) or (2)(b) of section 2 applies must, either in the notice under subsection (1) or in a separate notice given within such time as is reasonable in the circumstances, state the reasons for claiming -

(a) that, in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the authority holds the information, or

(b) that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.'

Section 17(4) provides that -

'A public authority is not obliged to make a statement under subsection (1)(c) or (3) if, or to the extent that, the statement would involve the disclosure of information which would itself be exempt information.'

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.'

Section 17(6) provides that –

'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.'*

Section 17(7) provides that –

'A notice under subsection (1), (3) or (5) must—

- (a) contain particulars of any procedure provided by the public authority for dealing with complaints about the handling of requests for information or state that the authority does not provide such a procedure, and*
- (b) contain particulars of the right conferred by section 50.'*