

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 June 2014

Public Authority: St Edmund's College
Address: Mount Pleasant
Cambridge
CB3 0BN

Decision (including any steps ordered)

1. The complainant has requested from St Edmund's College (the "College") information broadly concerning details of its admissions process.
2. The Commissioner's decision is that the College has correctly applied the exemption set out under section 14 of FOIA.
3. The Commissioner requires the public authority to take no steps.

Request and response

4. On 6 December 2013 the complainant wrote to the College and requested information in the following terms:

"(i) The total number of applicants who have submitted Personal Financial Guarantees to St. Edmund's College for the sum of £50,000 or higher?"

"(ii) The total number of students admitted to the degrees of medicine and veterinary medicine at St. Edmund's College who have submitted Personal Financial Guarantees to St. Edmunds for the sum of £50,000 or higher?"

"(iii) Details of the current amount (figure/sum) of Personal Financial Guarantee requested by St. Edmund's College with respect to the degrees of medicine and veterinary medicine?"

(iv) Clarification of the admissions process involving the return of the "blue card" to the Cambridge Office by St. Edmund's College? (including a copy of the "blue card")

(v) Clarification of the date when St. Edmund's College became a member of the "Group IV Colleges" with respect to the joint admissions process for the degree of medicine?

(vi) The total number of medical students admitted to St. Edmund's College who have completed the degree in medicine in the period of 'four years and one term'?"

5. On 7 January 2014 the College responded. It explained that section 14(1) of FOIA applied to the request.
6. Following an internal review the College wrote to the complainant on 19 March 2014. It upheld its original decision.

Scope of the case

7. The complainant contacted the Commissioner on 11 February 2014 to complain about the way his request for information had been handled.
8. The Commissioner has had to consider whether the College were correct to rely upon section 14(1) of FOIA.
9. It is important to note that the Commissioner has acknowledged all arguments advanced by the complainant and the College, although not all are referenced in this notice.

Reasons for decision

Section 14 – vexatious requests

10. Section 14 of FOIA provides that a public authority is not obliged to comply with an information request that is vexatious.
11. Guidance on vexatious requests provided by the Upper Tribunal in *Information Commissioner and Devon County Council vs Mr Alan Dransfield* (GIA/3037/2011)¹ places emphasis on the importance of

¹ <http://www.osspsc.gov.uk/Aspx/view.aspx?id=3680>

adopting a holistic approach to the determination of whether or not a request is vexatious.

12. The Upper Tribunal's judgment proposed four broad issues that public authorities should bear in mind when considering whether FOI requests are vexatious: (i) the burden of meeting the request; (ii) the motive of the requester; (iii) the value or serious purpose of requests; and (iv) any harassment or distress caused. The judgment concurred with an earlier First-tier Tribunal decision in *Lee vs Information Commissioner and King's College Cambridge* (EA/2012/0015, 0049 and 0085) that vexation implies an unjustified, inappropriate or improper use of a formal procedure.
13. The judgment noted that the four broad issues are "*not intended to be exhaustive, nor are they meant to create an alternative formulaic checklist*". It stated the importance of remembering that Parliament has expressly declined to define the term 'vexatious'. Consequently, the four broad issues, "*should not be taken as imposing any prescriptive and all-encompassing definition upon an inherently flexible concept which can take many different forms.*"
14. The Commissioner's guidance² on the application of section 14(1) indicates that the key question for a public authority is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress. The public authority should take into account the background and history of the request where this is relevant.

Burden of requests and level of disruption, irritation or distress

15. The Commissioner understands that the complainant applied to study medicine at the College in 2001. His application was unsuccessful and since then he has sent lengthy correspondence including a number of information requests to the College. The Commissioner understands that although the correspondence (including the requests) may not directly reference his unsuccessful application, it can be inferred from the contents that it does in fact relate to his unsuccessful application.
16. The College has explained that it has been the recipient of extensive correspondence from the complainant since 2003. The College also confirmed that it has written to the complainant on at least two

²http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/dealing-with-vexatious-requests.ashx

occasions to explain that it was no longer prepared to engage in further correspondence regarding his unsuccessful application.

17. The College explained that in determining whether section 14(1) applied to the requested information it has taken careful account of the Commissioner's guidance on 'Dealing with vexatious requests'³. In doing so, the College concluded that the complainant's behaviour is "*obsessive and causing the College a disproportionate level of disruption and irritation*".
18. The Commissioner understands that the complainant has made a number of allegations against the College, specifically about its operations, amongst other things, all of which the College has stated are unfounded. The College has further stated that these allegations have been targeted at College Fellows who have been involved in the admissions process for clinical medicine and often include individual threats of legal and regulatory action against them.
19. The Commissioner also understands that the complainant has submitted a number of complaints (internally and to external bodies) against the College regarding his unsuccessful application. The College has confirmed that his complaints have been thoroughly investigated and found to have no grounds to them. It further explained that these complaints showed the disproportionate nature of his actions.
20. The College has further argued that following the Commissioner's guidance, it has taken into account the applicant's behaviour, correspondence and requests to other related parties. The College explained that the University of Cambridge, Wolfson College and Hughes Hall have all been subject to the complainant's "*campaign*".
21. The College stated that it believed the complainant is using the FOIA as "*a weapon and not for its proper purpose of affording public access to information*". It further explained that it believed that such protection is provided for by section 14(1).

Complainant's arguments

22. The complainant has argued that

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http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/dealing-with-vexatious-requests.ashx

"not only does the refusal deny access to information; the refusal to provide details of the financial requirements of the College with respect to admissions also has the effect of denying me access to education".

23. The complainant further explained

"I have in my possession documents proving that employees of St. Edmund's College falsified admissions procedures and documents; and falsified my Personal Data in the files/records of St. Edmund's College and the University of Cambridge".

24. The complainant further argued that it was in the public interest for the information to be released. He stated

"In order for the Public to be able to submit particularised complaints to the Office of Fair Access it is essential that the Public is given access to information pertaining to compliance/non-compliance of HEIs (Higher Education Institutes) with the Access Agreement. The information I have request from St. Edmund's College pertains to this process; and is therefore in the Public Interest for the information to be disclosed".

25. The complainant also believes that as his internal review was not conducted within the recommend timescale, it shows that

"employees of St. Edmund's College have previous committed acts of deception, false representation, extortion, defamation and Data Protection violations (including the falsification of admissions documents and Personal Data records).

Conclusion

26. It is clear from the evidence seen by the Commissioner that the complainant has pursued the issue of his unsuccessful application since 2003 with various bodies and organisations. It is also clear that the complainant appears to have an issue with the College and this is evident in the strong allegations he makes against it in his arguments detailed above.

27. The Commissioner acknowledges the burden and resources that the College has spent when dealing with the information requests and the extensive correspondence it has received from the complainant.

28. The Commissioner has further considered whether there is a purpose behind the information that has been requested in this case and if the request was complied with, would it satisfy this purpose.

29. The Commissioner considers that the matter regarding his unsuccessful application has been thoroughly investigated internally and by external

bodies. He further considers that if this request was complied with, it would only add to a complaint that has found to have no grounds.

30. In the Commissioner's view, the pattern of correspondence from the complainant and his requests suggests that any response given by the College will automatically lead to follow up requests and serve only to extend the life of the issue regarding his unsuccessful application. On this basis and taking into account the arguments put forward by the College, the Commissioner has decided that the request is vexatious.

Other matters

31. Under Section 45 Code of Practice, the Commissioner's guidance states that a one-stage review should be completed in 20 working days, although in exceptional circumstances it could take up to 40 working days.
32. In this case, the complainant requested an internal review on 7 January 2014. The College responded on 19 March 2014 which is clearly outside of the recommended timescales set out by the Commissioner.

Right of appeal

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

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

Tel: 0300 1234504

Fax: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

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

34. 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.
35. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Rachael Cragg
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