

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 4 July 2016

**Public Authority:** Wolfson College  
**Address:** Cambridge  
CB3 9BB

### Decision (including any steps ordered)

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1. The complainant has requested from Wolfson College (the 'College') information relating to the College's financial requirements in respect of its 2016 entry admissions.
2. The Commissioner's decision is that the request is vexatious and the College has correctly applied section 14 of the FOIA to refuse the request. Therefore, the Commissioner does not require the College to take any steps.

### Request and response

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3. On 23 March 2015 the complainant wrote to the College and requested information in the following terms:

*"I request Wolfson College provide information:*

*(1) Please state the exact amounts of money specifically that Wolfson College required as a financial guarantee for Affiliated Entry Medicine (2016) for (i) home status students, and (ii) overseas status students?*

*Please provide a copy of the information and declaration form issued by the College in respect of financial guarantees for Affiliated Entry Medicine.*

*(2) Please state the exact amounts of money specifically that Wolfson College required as a financial guarantee for the Cambridge Graduate Course in Medicine (2016) for (i) home status students, and (ii) overseas status students?*

*Please provide a copy of the information and declaration form issued by the College in respect of financial guarantees for the CGCM.*

*(3) Please state at what stage (date(s)) in the admissions process were applicants required to submit financial guarantees to Wolfson College, (i) for Affiliated Entry Medicine? and (ii) CGCM?"*

4. On 24 March 2016 the College responded. It considered the complainant's repeated requests to be vexatious and that the College would not respond to any further FOIA requests from him.

### **Scope of the case**

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5. The complainant contacted the Commissioner on 24 March 2015 to complain about the way his request for information had been handled.
6. The Commissioner considers the scope of the case is to determine whether the request is vexatious and if the College is entitled to rely on its application of section 14 of the FOIA.
7. 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**

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#### **Section 14 – vexatious requests**

8. Section 14(1) of the FOIA states that section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious. There is no public interest test.
9. The term "vexatious" is not defined in the FOIA. The Upper Tribunal (Information Rights) considered in some detail the issue of vexatious requests in the case of the *Information Commissioner v Devon CC & Dransfield*.<sup>[1]</sup> The Tribunal commented that vexatious could be defined as the "*manifestly unjustified, inappropriate or improper use of a formal procedure*". The Tribunal's definition clearly establishes that the

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<sup>[1]</sup> GIA/3037/2011

concepts of proportionality and justification are relevant to any consideration of whether a request is vexatious.

10. In the Dransfield case, the Upper Tribunal also found it instructive to assess the question of whether a request is truly vexatious by considering four broad issues: (1) the burden imposed by the request (on the public authority and its staff); (2) the motive of the requester; (3) the value or serious purpose of the request and (4) harassment or distress of and to staff.
11. The Upper Tribunal did however also caution that these considerations were not meant to be exhaustive. Rather, it stressed the:

*"importance of adopting a holistic and broad approach to the determination of whether a request is vexatious or not, emphasising the attributes of manifest unreasonableness, irresponsibility and, especially where there is a previous course of dealings, the lack of proportionality that typically characterise vexatious requests"* (paragraph 45).
12. In the Commissioner's view the key question for public authorities to consider when determining if a request is vexatious is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress.
13. The Commissioner has identified a number of "indicators" which may be useful in identifying vexatious requests. These are set out in his published guidance on vexatious requests.<sup>[2]</sup> The fact that a request contains one or more of these indicators will not necessarily mean that it must be vexatious. All the circumstances of a case will need to be considered in reaching a judgement as to whether a request is vexatious.
14. In this case the Upper Tribunal defined a vexatious request as one that is *"manifestly unjustified, inappropriate or improper use of a formal procedure."* The Tribunal made it clear that the decision of whether a request is vexatious must be based on the circumstances surrounding the request.

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[2]

[http://ico.org.uk/for\\_organisations/guidance\\_index/~/\\_media/documents/library/Freedom\\_of\\_Information/Detailed\\_specialist\\_guides/dealing-with-vexatious-requests.ashx](http://ico.org.uk/for_organisations/guidance_index/~/_media/documents/library/Freedom_of_Information/Detailed_specialist_guides/dealing-with-vexatious-requests.ashx)

15. In making his decision the Commissioner has obtained submissions from both the complainant and the College to understand the circumstances surrounding the request in order to reach a decision on whether the request is vexatious. The Commissioner will consider their arguments where appropriate.

### **The College's position**

16. The College explained that the complainant has corresponded with many various individuals at the College for over ten years regarding complaints, allegations, threats and information requests. The College considered this as a campaign which the complainant pursued against various individuals at a number of institutions. The College said that the complainant would pester individuals associated with each institution and in the College's case this included the complainant writing to its previous Visitor, The Duke of Edinburgh.
17. The College argued that "*this campaign*" is all on the same theme. The complainant had applied to study medicine at Cambridge University and he was unsuccessful in his application. The College is of the view that unlike most unsuccessful applicants, the complainant cannot accept this decision and argued that his behaviour is obsessive in finding a reason why the College's decision should be overturned.

### **Burden on the authority / Unreasonable persistence**

18. The College argued that there was a history of persistent requests from the complainant, which had imposed a burden upon it.
19. The College stated that after several years of "persistent, extensive and incessant information requests" it had received information requests from the complainant on 16 and 24 September 2011 and that on 30 September 2011 the College refused the requests on the basis that they were vexatious under section 14 of the FOIA. It argued that these requests were causing a disproportionate level of disruption and irritation. The College explained that for several years it had been subject to what it viewed as persistent, extensive and incessant information requests.
20. The College reported that following the complainant's request for an internal review of the September requests, in October 2011 it conducted an extensive review outlined in a ten page report. The College maintained its decision to refuse the requests under section 14 and it concluded that this decision was appropriate.
21. The College said that it had responded to another information request in January 2014 and in its response informed him that it considered his

requests to be persistent and repetitious. Therefore, the College informed the complainant that it would not be responding to any further FOIA requests from him relating to his unsuccessful attempt to gain entry onto a course at the College. This included (but was not limited to) requests in relation the following areas:

- Admissions policies and procedures
- Complaints policies and procedures
- Financial guarantees and financial undertakings
- The Cambridge Graduate Course in medicine

Since that time, it stated, the complainant had continued to correspond with the College.

22. The College explained that due to the history of this case and the extensive internal review conducted in 2011, it did not respond to the complainant's internal review request (17 April 2016) of its decision of 24 March 2016.

### **No obvious intent to obtain information**

23. The College noted that the information requested by the complainant is regarding financial guarantees. It stated that it does not require any financial guarantees, and it believed the complainant already knew this when making the request. The College explained that it does require a "*financial undertaking*" form to be completed and that a copy of the current version of this form had subsequently been sent to the complainant as it would be to any potential applicant.
24. The College reiterated that it considered the complainant's requests on the same theme to be vexatious. The College argued that these requests have created a significant burden in terms of distraction. It is of the view that the requests are designed to cause disruption, annoyance and irritation and that the College feels harassed by them. The College further argued that the requests are obsessive and that they do not have any serious purpose or value. Therefore, the College considers the complainant to be misusing the FOIA

### **The complainant's position**

25. The complainant clarified his request is for information concerning the daily business of the College and which relates to the financial requirements (costs and process) in respect of the 2016 entry admissions to the College.

26. The complainant argued that the information is routinely made available to members of the public seeking admission to the College. He added that the College is aware that applications cannot be made without potential applicants being informed of the costs of a degree course or when financial guarantees must be submitted.
27. The complainant explained that he had previously requested the information from the College (2015) in order to be able to submit an application for admission. However, he reported that the College did not respond to his request or to his requests for a reasonable adjustment as a disabled person, wanting to apply for admission to the College.
28. The complainant argued that his request for disclosure of the information should have been previously provided and he believes that the College evaded this.
29. The complainant said that this type/content of the information is routinely provided to the public by Universities and that it is also provided to the public by the College. The complainant is of the view that it is in the public interest for the College to disclose details of how much it charges the public to attend degree courses and details of how and when financial guarantees are submitted.
30. Therefore, the complainant considers the information should have been made available in order to facilitate an application and he argued that the College evaded disclosures.
31. The complainant argued that the College avoided providing the information requested by referring to a previous decision notice which concerned another public authority and not the College.

### **The Commissioner's position**

32. The Commissioner notes the background to this case. He has considered the evidence and it is clear that the complainant is continuing to pursue the issue of his unsuccessful application onto a course at the College. It is evident that the complainant is disputing the College's decision and he is trying to seek reasons as to why this decision should be reversed.
33. The Commissioner acknowledges the burden on the authority and the resources that the College has spent in dealing with the information requests. He accepts that this and the extensive correspondence which the College has received from the complainant, has caused a disproportionate level of disruption and irritation. The Commissioner notes that for over a decade the College has contended with persistent requests for information from the complainant regarding the same subject.

34. The Commissioner has considered whether there is any serious purpose or value for the requested information and if the request was complied with, would it satisfy this purpose. The Commissioner notes that in the decision notice FS50530665, he had been provided with evidence from the College. This showed that the issue regarding the complainant's unsuccessful application to the College had been thorough investigated by internal and external bodies. The outcome of the decision was that it was not upheld. Therefore, the Commissioner accepts that if the requests were complied with, it would only add to further complaints that were found to have no grounds.
35. The Commissioner noted that further requests were still submitted by the complainant even after he had been informed by the College, that further FOI requests would not be responded to if regarding the same theme (e.g. financial guarantees). The Commissioner considers that any response given by the College would lead to follow up requests from the complainant. In the Commissioner's view this would extend the life of the issue regarding the complainant's unsuccessful application to the College.
36. The Commissioner notes the College's arguments that there is no obvious intent to obtain information from the College as the complainant had been supplied with the relevant document relating to his request. It is noted that the complainant had been advised by the College (from previous requests on the same subject) about its position on financial guarantees.
37. Having considered all the circumstances of this case, the Commissioner accepts that this repetitive nature of returning to the public authority regarding the same topic or similar requests has imposed an unreasonable burden on the College.
38. The Commissioner has therefore determined that the College is entitled to characterise the request as vexatious and has consequently applied section 14(1) of the FOIA.

## Right of appeal

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39. 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: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

40. 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.
41. 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**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**