

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 February 2017

Public Authority: University of London
Address: Senate House
Malet Street
London
WC1E 7HU

Decision (including any steps ordered)

1. The complainant has requested information from University of London ("UoL") relating to its status as an awarding body for the Doctorate in Clinical Psychology (DClinPsy) at King's College London, Royal Holloway University of London, and University College London.
2. The Commissioner's decision is that UoL has correctly applied section 14(1) of the FOIA to the request.
3. Therefore, the Commissioner requires UoL to take no steps.

Request and response

4. On 29 April 2016, the complainant wrote to UoL and requested information in the following terms:

"Please clarify (?) whether the University of London is the awarding body in respect of the following degree:

Doctorate in Clinical Psychology (DClinPsy)

(King's College London; Royal Holloway University of London; University College London)"

5. UoL responded on 5 May 2016. It confirmed that it acted as an awarding body for the universities referred to by the complainant, but stated that it required further information about the date in question in order to narrow the scope of the request.
6. The complainant replied on 5 May 2016 that he wished to clarify the status of the awarding body for the years 2011-2016.
7. Subsequently, the complainant reminded UoL on 30 June 2016 and 5 July 2016 that he was waiting for a response.
8. UoL wrote to the complainant on 7 July 2016, and stated that the information was held. However, it stated that it would not respond to his request as it was vexatious and cited section 14(1) of the FOIA.
9. Following an internal review, UoL wrote to the complainant on 4 August 2016. It upheld its original position.

Scope of the case

10. The complainant contacted the Commissioner on 30 September 2016 to complain about the way his request for information had been handled.
11. The Commissioner has had to consider whether UoL handled the requests in accordance with the FOIA and whether it was correct to apply section 14(1) to the request of 29 April 2016.

Reasons for decision

Section 14(1) – vexatious requests

12. Section 14(1) states that section 1(1) FOIA does not oblige a public authority to comply with a request for information if the request is vexatious. There is no public interest test.
13. 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 *Information Commissioner vs Devon County & Dransfield* (GIA/3037/2011) and concluded that the term could be defined as the "manifestly unjustified, inappropriate or improper use of a formal procedure". The Tribunal's decision clearly establishes that the concepts of proportionality and justification are relevant to any consideration of whether a request is vexatious.

14. In the Dransfield case, the Upper Tribunal also found it instructive to assess the question of whether a request is 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 of, or distress to, staff. The Upper Tribunal did, however, also caution that these considerations were not meant to represent an exhaustive list. Rather, the Upper Tribunal 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).
15. The Commissioner has also identified a number of 'indicators' which may be useful in identifying vexatious requests. These are set out in her published guidance on vexatious requests¹ ("the Commissioner's guidance"). However, 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.
16. 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 an unjustified level of disruption, irritation or distress which is disproportionate to the purpose and public value of the request.

University of London's position

17. UoL, while acknowledging that the request under consideration appears straightforward, argues that the history and context of the requester's interactions with UoL are vital in underpinning its engagement of section 14(1). It argues that the complainant is seeking to use the FOIA to open up new lines of communication through which to pursue his grievances with UoL which, it explains, date back to the late 1990s.
18. In addition, UoL states that the grievances comprise closed complaints and, for all intents and purposes, repeat requests for information, which have previously been responded to.

¹ <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

19. Furthermore, UoL states that it wishes to avoid any unjustified or disproportionate burden on its Academic Office *"in responding to queries which it has either responded to before or cannot provide an answer."*
20. To provide the background to these requests, UoL has explained to the Commissioner that the complainant was aggrieved about the classification of a degree which he was awarded in the late 1990s by a university in London (not UoL), and was similarly aggrieved about the withdrawal of an offer in 2009 to transfer onto a course at another London university.
21. The complainant's grievances were reiterated by him on 16 March 2016 in a letter to the Vice-Chancellor of UoL. The letter threatened UoL with legal action over a number of issues, including alleged plagiarism which related to another university. The letter also accused UoL of negligence and breach of contract, accusations which UoL considers to be unwarranted and unsubstantiated. The letter has not been followed up by legal proceedings.
22. Furthermore, the letter stated that UoL had *"allowed"* another university to subject him to degrading and demeaning treatment, detriment, loss, distress and mental cruelty. This allegation related to the withdrawal of the offer by that university in 2009. UoL considers this allegation to be without merit since it has no part to play in decisions made by other universities.
23. UoL has further explained that, since 2009, the complainant has made a number of requests to UoL under the FOIA for information relating to its admissions policies, its governance and its complaints procedures. These, it considers, relate to his existing grievances with other universities.
24. UoL considers that the purpose of the complainant's requests since 2009 has been to establish whether it has some sort of overall jurisdiction, or locus, over admissions to, and decisions made by, other universities including those mentioned in the request of 29 April 2016. The complainant has continued to pursue this avenue by making requests for information under the FOIA.
25. UoL has provided the Commissioner with an extract from a letter from the Vice-Chancellor of UoL to the complainant dated 23 October 2009, in which the complainant was advised that: *"Each of [the] nineteen colleges has responsibility for all matters relating to the students registered with it and the processes leading to their registration... the central University of London as such has no locus in this matter."*

26. UoL considers that, in making the request of 29 April 2016, the complainant is again using the FOIA to continue to pursue his existing grievances against other universities in spite of the Vice-Chancellor's letter.

The complainant's position

27. The complainant has argued that UoL should have provided him with the information as it "*pertains to the employment of people in the NHS*" and "*pertains to the fulfilment of a Public Sector Contract between University College London and the Health Authority (Health Education England; and Department of Health)*." In other words, he considers that there is a public interest in the information being disclosed and that it is not related to his personal grievances.
28. The complainant has also stated that he feels victimised as an FOI requester and that UoL has been evasive and obfuscatory.

The Commissioner's view

29. The Commissioner notes that UoL has stated that the complainant has generated "*extensive correspondence*" from 2009 until the date of the request under consideration.
30. The Commissioner's view is that the complainant's wish to ascertain the status of UoL as an awarding body for the purposes of the specific degree in question is closely linked to his history of other requests which sought to establish a link between UoL and the governance of other universities.
31. Therefore, the Commissioner agrees with UoL that the complainant is effectively seeking to pursue grievances which he has against other universities with UoL, despite having been informed that UoL has no locus in these matters.
32. The Commissioner recognises that there is a fine line between persistence and obsessiveness. The evidence supplied by UoL indicates that the complainant's request ultimately refers to a long-standing complaint or a matter connected to a long-standing complaint. In the Commissioner's view, one prominent indicator of a vexatious request is where the requester is attempting to reopen an issue which has already been comprehensively addressed by the public authority. The Commissioner is satisfied that UoL sought to address the complainant's key issues in the Vice-Chancellor's letter of 23 October 2009.
33. Taking into account the history and background of the complainant's relationship with UoL, the Commissioner considers that if UoL was to comply with the request, it would be unlikely to satisfy the complainant.

She considers that the pattern of the complainant's contact with UoL indicates that compliance would likely only generate further requests and complaints. Again, the Commissioner considers this is a notable factor in the assessment of whether the request is vexatious.

34. The Commissioner acknowledges the burden and resources that UoL has spent dealing with the complainant's requests for information and other correspondence.
35. The Commissioner has therefore determined that UoL was correct to refuse the request in accordance with section 14(1) of FOIA.

Right of appeal

36. 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

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

37. 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.
38. 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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