

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 February 2018

Public Authority: London Borough of Tower Hamlets Council

Address: Town Hall
Mulberry Place
5 Clove Crescent
London E14 2BG

Decision (including any steps ordered)

1. In six requests, the complainant has requested information broadly about Balfron Tower, a residential tower block in the district of Tower Hamlets. London Borough of Tower Hamlets Council ('the Council') indicated that it does not hold information within the scope of two of the requests, released information in response to another and refused to comply with other of the requests under section 12(1) of the FOIA (cost exceeds the appropriate limit). During the Commissioner's investigation the Council confirmed that its position now is that it is not obliged to comply with the requests because they are vexatious under section 14(1).
2. The Commissioner's decision is that the complainant's requests are vexatious under section 14(1) of the FOIA and the Council is not obliged to comply with them.
3. The Commissioner does not require the Council to take any steps.

Request and response

4. On 26 June 2017, the complainant wrote to the Council and requested information about Balfron Tower. Given the considerable combined length of the requests they are provided in an appendix to this notice.
5. The Council responded on 11 July 2017. It said it did not hold the information the complainant has requested.
6. The Council sent the complainant the outcome of its internal review on 11 September 2017. It confirmed it does not hold some of the information he has requested concerning the maintenance of Balfron Tower. The Council released information concerning the stock transfer of the estate to a housing association called Poplar Harca.
7. In response to another of the requests, the Council said no election for steering group members had taken place. Its position appeared to be that it holds no information relevant to this request.
8. The Council said it was not obliged to comply with the request for information about materials, costs and building control relating to Balfron Tower under section 12(1) of the FOIA as the cost of doing so would exceed the appropriate limit. The Council invited the complainant to refine this element of his request so that it could comply with the request within the cost limit.
9. Finally, the Council noted the tone of some of the complainant's correspondence to it, the accusations he has made which it considers are unsubstantiated and the volume of correspondence he has submitted to it. The Council noted that the complainant had submitted fresh requests when he had submitted his request for an internal review on 5 August 2017 and it said that it considered these to have no obvious intent to obtain information.
10. During the Commissioner's investigation, the Council revised its position and said it considers the complainant's requests are vexatious under section 14(1) of the FOIA and that it is not obliged to comply with them. On 18 December 2017 the Commissioner advised the Council to communicate its new position to the complainant.

Scope of the case

11. The complainant initially contacted the Commissioner on 23 June 2017 to complain about the way his requests for information had been handled.

12. As a result of the Council's revised position, the Commissioner's investigation has focussed on whether the complainant's requests can be categorised as vexatious under section 14(1) of the FOIA.

Reasons for decision

Section 14(1) – vexatious requests

13. Section 14(1) of the FOIA says that a public authority is not obliged to comply with a request for information if the request is vexatious.
14. The term 'vexatious' is not defined in the FOIA. The Commissioner has identified a number of 'indicators' which may be useful in identifying vexatious requests. These are set out in her published guidance on vexatious requests. In short they include:
 - Abusive or aggressive language
 - Burden on the authority
 - Personal grudges
 - Unreasonable persistence
 - Unfounded accusations
 - Intransigence
 - Frequent or overlapping requests
 - Deliberate intention to cause annoyance
15. 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. The Commissioner's guidance suggests that if a request is not patently vexatious the key question the public authority must ask itself is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress. In doing this the Commissioner considers that a public authority should weigh the impact of the request upon it and balance this against the purpose and value of the request.
17. Where relevant, public authorities also need to take into account wider factors such as the background and history of the request.
18. The Council has provided the Commissioner with a somewhat brief submission, but it has also provided 15 examples of correspondence it has received from the complainant from December 2016 up to the period of the current requests.

19. In its submission the Council noted that it has released to the complainant some information relevant to one of his current requests and, in its internal review, directed him to information on housing transfer that is published on its website. The Council has explained that the freehold ownership of the complainant's property was transferred to Poplar Harca in 2007 as part of a stock transfer scheme. Many of the documents and information that the complainant has sought are now held by Poplar Harca and not the Council. The Council says the stock transfer documents have long been published on its website and that, although the complainant is aware of this, he persists in 'demanding' them from the Council. Poplar Harca has been responsible for maintaining and managing Balfron Tower since 2007 but the Council says that the complainant persists in trying to get the Council involved with his dissatisfactions about this tower block.
20. The Council has told the Commissioner that, as well as requests for information, the complainant submits to it multiple email complaints and comments in a 'scattergun fashion'. It says that some of these emails contain threats to officers, including the threat of cutting off people's heads, threatening imprisonment and, more recently, the complainant has demanded the home address of an officer who carried out an internal review of one of the complainant's requests. The Council also confirmed to the Commissioner that the complainant has been writing to it about Balfron Tower, broadly, for at least 10 years.
21. The Commissioner has reviewed the 15 examples of the complainant's correspondence that the Council has provided. These include:
 - Examples of other requests for information the complainant has submitted such as one submitted in April 2017 as part of a much longer correspondence which was sent to approximately 50 other organisations; and another lengthy email exchange in May 2017 (again sent to approximately 50 organisations).
 - Emails from May 2016 and May 2017 in which the complainant describes the Council (amongst other organisations) as "*sickos*", "*lackies*" and "*stupid*".
 - An email from December 2016 in which the complainant threatens to arrest particular Council staff.
 - The email in which the complainant asks for a Council officer's address, however this appears to have been sent during September 2017 ie after the date of the complainant's current requests).

- An email the complainant sent in 2016, which contains the lines: *"Now you will know why I want to cut the heads off you all being rentiers like King James the first who my ancestor judge and had his head chopped off. Now I can use the high court to have you indicted for blackmail frauds and unlawful eviction and theft of my property"*. However, the Commissioner notes that, while this email may have been copied to the Council, it appears to have been sent to a particular MP. The Commissioner has therefore not considered this email as evidence of the current requests being vexatious.
22. That said, the Commissioner has taken account of the fact that, according to the Council, the examples of correspondence it has received from the complainant and which it has provided to her are only a small part of the total correspondence it has received from him. The Commissioner has seen enough to be satisfied that the complainant's requests of 26 June 2017 can be categorised as vexatious.
23. The Commissioner acknowledges that the complainant appears to have longstanding grievances about how Balfron Tower is managed and how he has been treated. However, she considers that there are other, more appropriate, routes the complainant might now take to resolve any concerns. Using the FOIA to bombard the Council with requests for information is both an abuse of the legislation and, at this point, unlikely achieve a resolution.
24. The Commissioner is satisfied that the complainant's correspondence with the Council now meets a number of the criteria at paragraph 14. At times the correspondence is somewhat abusive and threatening; the complainant makes unfounded allegations; he makes frequent and overlapping requests about broadly the same matter and persists in corresponding with the Council about Balfron Tower's management despite having been informed that, for some years, this has been the responsibility of another organisation. To any reasonable person, the complainant's correspondence to the Council gives the appearance of being obsessive. Consequently the Commissioner is satisfied that the Council was correct to apply section 14(1) of the FOIA to the current requests.

Right of appeal

25. 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

26. 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.
27. 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

Pamela Clements
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

APPENDIX

1. You have since the stock transfer when you kindly sent me the minutes of stock transfer steering committee meeting over 2007 and the minutes every month said they had not received his signed injunction by [REDACTED] promising not to decant Balfron Tower and Carradale house, sort by Tower Hamlets council holding up the stock transfer as it was a condition of the stock transfer.

Eventually it was sent signed.

I have been asking you since 2007 for my copy and you have ignored my right to this information.

http://www.cps.gov.uk/legal/d_to_q/fraud_act/
Section 3

You face criminal prosecution for fraud by withholding information, along with all the officers involved as you have caused me a loss, as [REDACTED] broke his injunction by decanting us and I am homeless because you did not find [REDACTED] in breach of his undertaking and as the stock transfer was contingent on him making this declaration you can rescind the stock transfer and I will. You have a week to send me a copy by attachment or I will report you to the Information Commissioner below.

Please have the three estates returned to TH.

2. Please send me the list of [REDACTED]s for each of the three estates steering committees in 2006/7 for the election.

If no election took place please rescind the stock transfer. This should be a democracy. I asked the office with the records of all the stock transfer the names of all the chairmen of each of the steering committees but he did not have any.

Please give me the names of the Estates or blocks that voted circa stock transfer and the flats addresses and the results of who took ownership of their properties and the vote.

It seems god was involved as none of the voting West of Burdett Rd wanted to move from council ownership all voting no and all voted yes East of Burdett Rd?

3. The results if the testing of the materials for the new bedroom walls of Balfron Tower and front rooms facing South and in Carradale house and the building control approval please.

4. This work was paid for from a HA GRANT FOR SOUND INSULATION. The Statutory Instruments allows home owners to be paid the grant from TH who was handling the works direct so they can add their own money and rebuild their walls to a higher standard of sound insulation.

Please calculate how much each wall cost including the scaffolding extra charges for two years and pay it to me now please as the scaffolding is going up again and I will use Module Swedish hard wood couple sash windows clad in aluminium anodized to bright red or you all face more fraud charges.

http://www.cps.gov.uk/legal/d_to_q/fraud_act/#a07
Section 2 Fraud by false representation.

5. In 1989 I had moved from my joint tenancy at 128 so [REDACTED] could exercise her right to buy her flat. I moved in with an engineering student next door as the tenant with her name on the rent book had moved out. I applied to [REDACTED] the housing officer who ignored my right to have my name put in the rent book unreasonably.

I was locked out by the caretaker adding his lock to the door.

In 2001 30th March TH came to court with evidence if he paying the rent. The judge agreed i was a residential occupier of the flat.

This is an information request for the receipts you showed to the judge and his judgement and summons.

After the hearing you failed to out me back in my flat.

I require the lost gain from not being able to exercise my right to buy it for £12,000 of £600,000 plus income from Airb&b compounding for twenty years.

6. Please show me the new rule to my lease that my family and friends are required to register their identities at the housing office to be allocated a key fob controlled by a computer but I could not issue them with a controlled front door key fob as we can have five live in a two bedroom flat.

When I bought the lease I wa [REDACTED] use and the use of my family, doctor and solicitor [REDACTED]

As [REDACTED] claims you did not pass in the Rule Book required to be kept, for changing or adding rules in the lease, that you still have kept or it was never kept then any new rule is unlawful.

I was unable to have guest stay with me, let alone find a girlfriend to take home, without you knowing who they might be by checking the CCTV or lodgers, causing me a loss financially and I HEREBY REQUIRE damages for breaching my right to privacy and a family life, of five million.

Please copy the Rule Book for my lease to me within seven days or face another tens year jail time.

http://www.cps.gov.uk/legal/d_to_o/fraud_act/#a10
Fraud by abuse of position.

The Council initially responded on 11 July 2017 as follows:

I am writing to advise you that, following a search of our paper and electronic records, I

have established that the information you requested is not held by Tower Hamlets Council.

You then requested a review on 5 August 2017 as follows:

The commissioner is on my side now wanting all emails in full.

The injunction was sent by Tower Hamlets legal and [REDACTED] to be signed by [REDACTED] in early 2007 before the stock transfer as I learnt of his plans to decant our two towers. He refused for most of 2007. The tenants committee overseeing the selection of a new social landlord were meeting and [REDACTED] sent me their minutes that said the signed document had not been signed, until it was. It should be saved in their minutes. [REDACTED] must know. She faces fraud charges for withholding this document. Don't go to prison with her?

This is a new request for the minutes of the steering committee.

Before the vote can be put to decide if we wanted a new RSL, the steering committee must decide from the more than one RSL and whether to put it to the vote.

Please give me the name of the second RSL that was looked into.

Please send me a copy of the letter from the steering committee to the tenants of the three East India Estates telling us they have chosen one of the RSL that will be out to the vote. They tell me they didn't. If you can't find it the Secretary of State must be alerted to return our stolen estates.

Please send me a copy of the Secretary of States letter of approval of the stock transfer, showing it had met all the requirements to make it official and lawful.

Please send me the results of the election of the steering committee for each of the three estates, those on the ballot paper and those who were elected.

There is a department with all the information on all the properties transferred from the council to a RSL which I have contacted. He could not tell me of the names of any of the committees elected for all the estates that were transferred all East of Burdett Rd.

If this seems impossible for all the estates to have voted to stay with the council West of Burdett Rd you must report the miracle to the authorities.

Please send me the names and addresses of all steering committee chairmen of all the blocks and estates transferred please.

If no election of any of the steering committees took place you must tell every authority of this fraud by abuse of position by those involved and have our estates handed back.

The walls of our two towers were pulled out by [REDACTED] of the Poplar housing office in about 2000.

My architect can't find the building controls approval for the illegal use of non class 0 material.

Please copy me the building control approval or who were the officers at the time.

Everyone involved are facing life imprisonment for endangering our lives adding foam panels, under the Criminal Damages Act 1971.

Please find out all the housing officers, counsellors, mayor, planning committee, everyone who knew our lives would be endangered or should have, so we can put them away for life to atone for their types all over the country for the killing of residents in the Grenfell Tower.