

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 3 May 2019

**Public Authority:** St John's Church School  
**Address:** Riseholme  
Orton Goldhay  
Peterborough PE2 5SP

#### Decision (including any steps ordered)

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1. Through a multi-part request the complainant has requested information associated with meetings, a tender and procurement process and the leasing of office equipment. St John's Church School ('the School') has categorised the request as vexatious under section 14(1) of the FOIA and has refused to comply with it.
2. The Commissioner's decision is as follows:
  - The complainant's request is vexatious and the School is entitled to rely on section 14(1) to refuse to comply with it.
3. The Commissioner does not require the School to take any remedial steps.

#### Request and response

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4. On 21 June 2018 the complainant wrote to the School and requested information in the following terms:

*"1) Minutes and Agendas of Governors' Meetings including any sub-committees from September 8th, 2014 to January 2018.*

*These should include any 'Part 2' minutes, unreacted save for compliance with the Data Protection Act.*

*2) Please provide all documentation relating to your Tender and Procurement Process for Multi-Functional Devices and printers, to include regulations and guidelines relevant to your school for Operating and Finance Leases specifically relating to Photocopiers and Printers, together with the rules concerning consumable print cartridges, support and maintenance contracts.*

*3) The following request relates to the purchase/Lease/rental of Multi-Functional Devices/ Photocopiers and Printers between 2005 and 2018.*

*a) Please supply copies of the Invitation to Tender.*

*b) Number of responses.*

*c) Name of all Companies included in the shortlist.*

*d) Name of the Company awarded the contract and reasons why you think it provided the best value for money.*

*e) If the above equipment is/was part of a new lease/rental, please supply documentation confirming that the school had settled the existing lease before signing a new contract.*

*f) Please supply confirmation that the school did not enter into a finance lease and only committed to an Operating Lease as per the guidelines and information available.*

*g) To your knowledge, were there multiple leases or rentals live at the same time? if so, how many and what was the monthly cost for all the contracts.*

*h) The amount of any settlement figures relating to any lease/rental.*

*i) Details of any signed delivery and acceptance documentation prior to the installation or delivery of equipment.*

*j) Confirmation that the equipment stated on the documentation was delivered/installed and was in use for the duration of the lease/rental. Please provide the information in electronic form by email."*

5. The School responded on 20 July 2018. It refused to comply with the request which it categorised as vexatious under section 14(1) of the FOIA. It maintained this position in the internal review it provided on 15 November 2018.

### **Scope of the case**

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6. The complainant contacted the Commissioner on 9 October 2018 to complain about the way their request for information had been handled.

7. The Commissioner's investigation has focussed on whether the School can refuse to comply with the complainant's request under section 14(1) of the FOIA.

## Reasons for decision

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### Section 14 – vexatious and repeat requests

8. Under section 14(1) of the FOIA a public authority is not obliged to comply with a request if the request is vexatious.
9. The term 'vexatious' is not defined in the FOIA but the Commissioner has identified a number of 'indicators' which may be useful in identifying vexatious requests. These are set out in her published guidance and, in short, they include:
  - Abusive or aggressive language
  - Burden on the authority – the guidance allows for public authorities to claim redaction as part of the burden
  - Personal grudges
  - Unreasonable persistence
  - Unfounded accusations
  - Intransigence
  - Frequent or overlapping requests
  - Deliberate intention to cause annoyance
10. 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.
11. The Commissioner's guidance goes on to suggest 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 on it and balance this against the purpose and value of the request.
12. Where relevant, public authorities also need to take into account wider factors such as the background and history of the request.
13. The School has provided submissions to the Commissioner. Its first submission provided a broad history of its relationship with the complainant. The Commissioner does not intend to reproduce this background. Broadly, it goes back to at least 2016 and concerns a

dispute about a particular commission the complainant was expecting to receive from the School.

14. With regard to the request, the School said it considered it to be voluminous, with elements being excessive or having no public interest. It noted that the complainant has requested four years' worth of Governors meeting minutes, including all sub-committees, and that 10 requests are associated with the last 13 years of purchases of multifunctional devices. The School noted that seven of the above 10 requests were for documents that it had already supplied to the complainant.
15. The Commissioner noted the above and considered it went some way to explain the School's categorisation of the request as vexatious. However, she went back to the School, referred it again to her published guidance on section 14(1) and asked it to provide more detail on its interactions with the complainant to support its position that the request in this case is vexatious. The Commissioner received this further submission on 16 April 2019.
16. **Personal grudges:** In its further submission the School has provided more detail on the background of the case, which resulted in the current FOIA request. As previously referred to, this concerned a dispute about a commission for a particular piece of work which the complainant considered the School should pay to them and which the School considered it should not.
17. The School has then provided detail on what it says were attempts by the complainant to bully and intimidate the School, and particular School staff, into paying what it considers to be the complainant's fraudulent claim. The Commissioner has noted the examples that the School has given to her but does not intend to detail them in this notice. She is, however, persuaded that this behaviour – and the initial dispute about the commission – support the School's view that the complainant is using the FOIA to further a grudge they have against the School.
18. **Burden on the authority:** The School has also argued that the request, which it considers is voluminous and burdensome, is not a means of gathering information which might have some public interest, but is instead a means of potentially causing the School an unreasonable amount of work, because of the complainant's grievance against it.
19. The School says that part 1 of the request covers a large time period and would require a 'huge amount' of redaction to comply with data protection legislation. It notes that many of the meeting minutes requested contain information that is not within the scope of the focus of the request, namely 'Procurement and Procedure Compliance'.

20. Part 2 of the request also again casts a wide net, the School says, as it asks for ALL documentation linked with ALL printer leases and procurement processes that the School has followed. The School says it would be a huge burden on it to comply with this part.
21. The School again notes that seven parts of the request (in respect of the latest agreements) are seeking numerous documents that had already been supplied to the complainant during the course of the piece of work they carried out for the School.
22. Finally, **deliberate intention to cause annoyance:** In the School's view, because of the complainant's work with it and other schools in the area, they will be very aware of the School's processes and the local authority's processes and how stringently the School follows the authority's processes. The School is therefore sceptical that the complainant has a genuine need for, or interest in, the information they have requested.
23. In correspondence to the Commissioner on 27 February 2019, the complainant has disputed the School's reliance on section 14(1) and says it is doing so because their request could provide information on a 'serious misuse of public funds'. By not complying with their request the complainant considers the School is protecting 'the people involved' and School Governors. In the complainant's view providing the information they have requested is in the public interest and it will be used in any further action deemed appropriate.
24. The Commissioner does not find the complainant's arguments to be compelling as they have not provided her with any evidence to support their view that the School has been involved in a 'serious misuse of public funds'.
25. In contrast, the Commissioner is persuaded by the School's submissions that the complainant's request is vexatious. She considers it credible that the complainant has a grudge against the School, going back to 2016, and is now using the FOIA legislation in order to pursue that grudge and to deliberately cause a nuisance to the School. The Commissioner is also satisfied that the information that the complainant has requested has very little, if any, wider public interest so that complying with the request – which is multi-part and wide ranging - would cause a disproportionate burden to the School. The Commissioner finds that the School can rely on section 14(1) of the FOIA to refuse to comply with the request.

## **Right of appeal**

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

27. 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.
28. 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**