

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 10 November 2022

**Public Authority:** Cheshire East Council  
**Address:** Municipal Buildings  
Earle Street  
Crewe  
CW1 2BJ

### **Decision**

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1. The complainant has requested information from Cheshire East Council ("the Council") relating to businesses located a specific address. The Council refused to provide the requested information citing section 14(1) (vexatious request) of the FOIA as its basis for doing so.
2. The Commissioner's decision is that the Council is entitled to rely on section 14(1) of the FOIA to refuse to provide the requested information.
3. The Commissioner does not require the Council to take any steps.

## **Request and response**

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4. The complainant made the following information request to the Council on 30 November 2021:

“Under the Freedom of Information Act please provide all recorded information regarding businesses and individuals held at the address known as [address redacted] from 01/01/2017 until present.

1. Information held on computers.
  2. Printed and hand written documents.
  3. Images, recordings and audio
  4. Internal emails for [names redacted], any superiors and the main environmental health email.
  5. All veterinary reports and or emails to and from vets used by the local authority.
  6. All complaints made by the public.
  7. Any correspondence between the local authority and public.”
5. The Council refused to provide the requested information citing section 14(1) (vexatious request) of the FOIA as its basis for doing so.

## **Reasons for decision**

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6. This reasoning covers whether the Council is entitled to rely on section 14(1) of the FOIA to refuse to provide the requested information.
7. In their complaint to the Commissioner, the complainant stated that they do not consider their request to be vexatious or burdensome. The complainant explained that they have submitted the same request to another Council and that Council was able to provide the requested information. The complainant considers their request to be a genuine request and within the public interest.
8. The Council considers the request to be vexatious. In its submissions to the Commissioner the Council explained that as the request covers a five year period, in order to provide the requested information, it would need to locate and retrieve thousands of records that may fall within the scope of the request. Once it had identified all the information held within the scope of the request, the Council explained that it would then have to manually review the information to assess whether the information could be disclosed or whether redactions were required.

9. The Council explained that it has conducted a search for information held within the scope of the request. This resulted in over 700 emails being located which may fall within the scope of the request. The Council estimates that it would take approximately 15 minutes to review each email to determine whether it fell within the scope of the request and carry out necessary redactions. This estimate is based on a sampling exercise. The Council calculated that in total it would take approximately 58 hours to review all 700 emails (700 emails x 15 minutes = 58 hours).
10. The Council explained that it has also located paper records consisting of approximately 2800 pages which may contain information within the scope of the request. The Council estimates that it would take 1.5 minutes to review each page to determine whether the pages contained information falling within the scope of the request and carry out redactions. Therefore, the Council calculated that it would take 70 hours to review all 2800 pages (2800 pages x 1.5 minutes = 70 hours).
11. The Council explained that it may also hold information within the scope of the request within its APP database. Within its APP database the Council has located 44 complaints and service requests relating to the businesses located at the address listed in the request. The Council estimates that it would take approximately 15 minutes to review each record and carry out redactions. Therefore, in total the Council calculated that it would take 11 hours to review the 44 complaints and service requests (44 complaints and service records x 15 minutes = 11 hours).
12. The Council explained that it would also have to search its electronic records for information within the scope of the request. The Council has located 48 documents within its Animal Health folder and 42 documents within the Team Leader's folder which may fall within the scope of the request. The Council estimates that it would take 10 minutes to review each document and carry out redactions. The Council calculated that it would take 15 hours to review all 90 documents (90 documents x 10 minutes = 15 hours).
13. In total, the Council estimated that it would take 154 hours to review all the emails, paper records, electronic records and its APP database for information within the scope of the request and carry out redactions.
14. The Council considers that complying with the request would place an unreasonable burden on the Council due to the significant amount of time it would take to locate all the information it holds within the scope of the request and then review that information to determine whether the information could be disclosed or whether redactions are necessary. The Council considers that in order to comply with the request it would

have to reallocate already limited resources which would have a negative effect on its ability to carry out other core duties and essential activities.

15. The Council considers the request to be broad in scope and to lack a clear focus. The Council also considers the request to be a fishing exercise, meaning that the complainant has requested information without any idea of what may be revealed.
16. The Commissioner's guidance states that a request may be vexatious if complying with the request would place a grossly oppressive burden on a public authority's resources which outweighs any value or serious purpose the request may have.
17. The Commissioner notes that the request is unfocussed and covers a large period of time. He recognises that in this case, the complainant appears to be randomly fishing for information which is of limited value to the wider public. Based on the detailed estimate provided by the Council, the Commissioner accepts that complying with the request would be very time consuming. He considers that complying with the request would place an unreasonable burden on the Council and its resources which would not be in the public interest.
18. The Commissioner's decision is that the request is vexatious and therefore, the Council is entitled to rely on section 14(1) of the FOIA to refuse to provide the requested information.
19. Whilst the Commissioner considers this request to be vexatious, if the complainant was to submit a new more focussed request to the Council on a similar subject, that request may not be vexatious.

## Right of appeal

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20. 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)

21. 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.
22. 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 .....**

**Ben Tomes**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**