

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice**

Date: 31 October 2022

Public Authority: Independent Parliamentary Standards Authority
Address: 30 Millbank
London
SW1P 4DU

Decision (including any steps ordered)

1. The complainant has requested from the Independent Parliamentary Standards Authority (IPSA) monthly bank statements during a specific timeframe, corporate accounts, bank names, sort codes and account numbers. At internal review IPSA disclosed the names of the banks but refused the remainder of the request, citing section 14(1) – vexatious request.
2. The Commissioner’s decision is that the request is vexatious and IPSA was correct in citing section 14(1).
3. The Commissioner does not require the public authority to take any steps.

Request and response

4. On 19 January 2022, the complainant wrote to IPSA and requested information in the following terms:

"May I please make the following requests for information:

1. May I please have all your monthly bank statements for your body corporate from April 2017 until April 2018 inclusive?
 2. May I please have your full 2017/18 Body Corporate accounts as submitted to Her Majesty's Revenue and Customs (HMRC)?
 3. May I please have all the names of the banks with whom your body corporate has bank accounts with including the sort codes and account numbers?"
5. IPSA acknowledged this request on 24 January 2022.
 6. The complainant chased a response on 10 February 2022.
 7. On 17 February 2022 IPSA refused the request, citing section 14(1) FOIA (vexatious request). It was explained that IPSA is a public sector authority which presents its accounts to the Treasury and not HMRC. Therefore the information regarding question two of the request was 'not held'.
 8. On the same day the complainant requested an internal review on the grounds that they were not being vexatious and that transparency meant that the public should get full access to accounting statements. The complainant also said that they did not need a "comprehensive breakdown of PAYE, just the figures".
 9. Later that day the complainant sent a further email, drawing IPSA's attention to the ICO guidance and stating that section 14(1) did not apply.
 10. On 24 March 2022 IPSA's internal review was provided. It maintained its position but disclosed the names of the banks, though account numbers and sort codes were additionally withheld under section 31 FOIA.

Scope of the case

11. The complainant contacted the Commissioner on 16 February 2022 to complain about the way their request for information had been handled. Originally the complainant was not content because they had not received a response. Later, after the internal review had been provided, the complainant stated that their request was not vexatious and that

providing redacted bank statements would not exceed the cost limit. Other reasons were provided that cannot be detailed here because they concern personal data.

12. On 26 September 2022, the complainant copied the Commissioner into an email to IPSA where they were seeking a compromise, particularly regarding part 2 of their request. The complainant stated that they would "be happy to receive the full accounts you sent to the Treasury for that tax year". Regarding the bank statements, the complainant asked that all the information be released, other than PAYE. They required "all numerical data relating to monthly income and outgoings, balances, all individual payments not made under PAYE and payments of any amounts made under contract or not under contract" not related to PAYE.
13. The Commissioner considers that the scope of the case is IPSA's citing of section 14(1) FOIA and section 31 FOIA to the requested information. He will also consider any procedural matters.

Background

14. IPSA has provided the Commissioner with some background information to outline its role and to explain what information it holds due to that role:

"IPSA's statutory remit is to provide independent regulation and administration pay, pensions, business costs and staffing costs Members of Parliament incur in the course of their parliamentary duties as elected MPs...

IPSA holds extremely sensitive information such as measures procured relating to the personal safety and security of MPs, their families and staff, and services providing welfare and disability-related support. Many of the suppliers we reimburse have access to MPs' constituency offices, rented and residential accommodation."

Reasons for decision

Section 14(1) – vexatious request

15. Section 1(1) of the FOIA provides a general right of access to recorded information that is held by public authorities.

16. Section 14(1) of the FOIA states that section 1 does not oblige a public authority to comply with a request for information if that request is vexatious.
17. The analysis that follows looks at the criteria for vexatiousness and whether this particular request can be considered vexatious.
18. The Upper Tribunal considered the issue of vexatious requests in *Information Commissioner v Devon CC & Dransfield* [2012] UKUT 440 (AAC)¹. It commented that "vexatious" could be defined as the "manifestly unjustified, inappropriate or improper use of a formal procedure". The Upper Tribunal's approach in this case was subsequently upheld in the Court of Appeal.
19. The Dransfield definition establishes that the concepts of proportionality and justification are relevant to any consideration of whether a request is vexatious.
20. Dransfield also considered 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.

These considerations were not meant to be exhaustive and the judgment also explained 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)

21. The Upper Tribunal in Dransfield advised that when assessing burden the following factors are relevant considerations:

¹ [IN THE UPPER TRIBUNAL \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101441/Upper_Tribunal_Judgment_IC-156455-F4F1.pdf)

- number;
 - pattern;
 - duration; and
 - breadth.
22. The Commissioner's guidance explains that a public authority should weigh the impact of the request on it and balance this against the purpose and value of the request. The latter can be considered in the light of "what is in the best interests of society" such as holding public authorities to account, understanding their decisions, transparency and ensuring justice.

IPSA's view

23. IPSA provided its arguments to the Commissioner under three headings and provided additional argument elsewhere which is reproduced below.

Purpose and value of the request

24. The principle of transparency is one of the reasons for the establishment of IPSA in 2010. It has statutory obligations to deliver value for money and has wider duties of financial transparency and public accountability served by the publication of its annual accounts, annual independent audit by the National Audit Office and parliamentary scrutiny at private and public meetings of the Speaker's Committee for the Independent Parliamentary Standards Authority (SCIPSA). Its operational and staffing expenditure is published in its annual accounts and on its website². IPSA argues that, given all it publishes and the independent scrutiny of its accounts by SCIPSA, the National Audit Office and its internal auditors, it does not consider that there is any additional value to disclosing bank statements.
25. IPSA finds it difficult to identify any public interest or value in disclosing its bank account number or sort code. Information about the Government Banking Service is available online at [Government Banking - GOV.UK \(www.gov.uk\)](http://www.gov.uk). IPSA suggests that a bank code and account number are simple identifiers assigned by the bank and that it is difficult

² [Home | IPSA \(theipsa.org.uk\)](http://www.theipsa.org.uk)

to identify a contribution to transparency and accountability by disclosing them.

26. Regarding point two of the request, IPSA does not submit accounts to HMRC. It does not have a commercial arm and is not VAT registered. IPSA's non-VAT status is stated in its public accounts which are presented to the Treasury and published on its website. Previous FOI requests made by the complainant make it clear that they are aware of this and have read the accounts in detail. From this it is difficult to identify that there is a serious intent to receive information or that there is a wider public interest being served by this part of the request.

Disproportionate burden and effort

27. IPSA explained to the Commissioner that it processed in excess of 200,000 transactions each year for the business costs and staffing payroll of 650 MPs and approximately 3,300 staff. In addition, there are IPSA's own business costs and payroll for what were 70 staff in 2017. There were additional transactions relating to loss of office and staff redundancy and the setting up of new offices as there was a general election in 2017.
28. It further explained that the bank statements have five columns of descriptive data which would need to be reviewed line-by-line to identify, assess and redact:
- Personal names or identifiers for IPSA and MPs' staff (e.g. payroll, repayment of expenses).
 - Non-disclosable security and disability fund payments – these would need to be identified by cross-referencing other records.
 - Non-disclosable suppliers' details, e.g., sole traders and individuals, small suppliers with access to premises. This would entail checking individual suppliers.
29. IPSA states that, at a low estimate of one minute on average to review one line of five columns, it would take 66 hours to review 4000 lines. This does not include identifying suppliers who are sole traders (whose details may be their personal data) and the research necessary to identify security or disability fund services.
30. Detailed information about MPs' business and staffing costs are on IPSA's website. This can be downloaded as spreadsheets for individual MPs or all MPs. Historic data remains available on its website, including data for 2017-18. The published data provides significantly more detail

and context than the information on the bank statements. Copies of invoices and receipts and IPSA's activities and costs are provided in response to FOI requests. These FOI responses are published on its website on a disclosure log dating back to IPSA's establishment.

31. IPSA also publishes details of its own spending on its website, including Board salaries, expenses and expenditure over £25,000.
32. IPSA also argued that, if section 14 had not been cited, it would have needed to consider sections 38, 24, and 40(2) which would have imposed an unreasonable burden.

Background and history of the request

33. The complainant has already had a section 14 refusal for a previous request but continues "to make allegations accusing IPSA of unlawful acts and deliberate lies". IPSA highlights the "quantity, intensity and tone of correspondence" in addition to using the ICO as the first point of appeal, rather than IPSA. There is also an additional context that cannot be outlined that points to this being "the pursuit of a personalised matter".
34. A balancing test was undertaken by IPSA in order to determine whether section 14 was applicable. Firstly, IPSA considered the matter of transparency. Had the request been submitted by another requester, IPSA would have responded but withheld the bank account information under section 31(1)(a), explained that it did not submit accounts to HMRC, and directed the requester to its website where they could access the online accounts and expenditure.
35. Disclosure is not in the wider public interest as disclosing bank account details would not add anything of substance that was not already in the public domain. The complainant appears to have no real purpose or reasonable expectation that IPSA would provide detailed financial information. Transparency is achieved by the means set out in paragraph 24 of this decision. Most of the information would be exempt and the lack of it "would be unlikely to have a detrimental effect on the requester's interests".
36. For the above reasons, it took the decision to cite section 14.
37. IPSA has also provided the Commissioner with confidential information which cannot be set out here. However, the current request is one of many received from the complainant that were submitted under both FOIA and data protection legislation. IPSA contends that several of these are requests for information which had already been provided or were

available online. The complainant has also made allegations against IPSA.

38. Placing the request in context, IPSA argues that the complainant's requests have no obvious relevance to their stated aims; that they argue points rather than ask for information; raise repeated issues which have already been considered; refuse an offer to refer a matter for independent investigation or ignore the findings; continue to challenge IPSA for alleged wrong-doing with no cogent basis for doing so; and pursue a relatively trivial or highly personalised matter which is of little benefit to a wider audience.
39. There has been a history of correspondence from the complainant to IPSA. This request is "One of numerous, often overlapping information requests submitted under FOIA and DPA since 2019". IPSA has had 12 FOI requests since 2020 and provided the references of ten of these. On two occasions the complainant has complained to the Commissioner that information had not been provided when it had already been supplied in response to previous requests. The complainant has also complained twice (IPSA provided reference numbers) to the Commissioner before going through IPSA's internal review process, setting their own deadline of 5 pm on the day the request was due. The complainant is also involved in a longstanding dispute with IPSA involving multiple overlapping and duplicated requests, unfounded allegations and other confidential matters.
40. IPSA reiterated to the Commissioner its original response to parts one of three of the request where it had said that it was "difficult to see that there could be a reasonable expectation that an organisation would put itself at risk of fraud by disclosing sensitive financial information of this nature". The risk is higher for IPSA because of the sensitive nature of its operations and the risk of a cyber attack.

Complainant's view

41. The complainant argued in their internal review request that section 14 did not apply. He stated that,

"The ICO has already overturned countless public bodies' decisions to refuse disclosure on the grounds of Section 14(1) in circumstances that were nearly identical to your reasoning and response for rejection in this instance."

The complainant stated that they did not "wish to cause you distress or alarm" and that they had "utmost respect for your information

compliance team". They stressed that they had not made any requests for the same information before.

42. The complainant explained that they knew that IPSA publishes payments made to companies under contract for over £25,000 on its website. However, the complainant's view is that it is in the public interest to disclose the requested information in order that the "general public can have transparency and scrutinise your compliance with the law and proper frugal use of taxpayer money and public money in general".
43. The complainant stressed to the Commissioner the need for transparency around the income and expenditure of all public bodies. Requesters needed to have confidence that the ICO will protect them from having other matters (that cannot be detailed here) being used against them when a "polite" information request should be a separate matter. The complainant's view is that this would not be fair or compatible with the "spirit of the FOIA 2000..." and that it is "victimisation" under section 27 of the Equality Act 2010.

The Commissioner's view

44. The Commissioner's guidance says the following:

"The key question to consider is whether the value and purpose of the request justifies the distress, disruption or irritation that would be incurred by complying with it. You should judge this as objectively as possible. In other words, would a reasonable person think that the value and purpose of the request are enough to justify the impact on the authority?"³

IPSA has provided strong argument that the value and purpose of the request does not justify the likely impact on the public authority of responding to it. The Commissioner agrees.

45. Although the Commissioner accepts that the complainant's request is politely phrased, the context and history provided by IPSA strengthens the argument that the request is vexatious. The judgment in [Dransfield](#) makes it clear that there are indicators as to what makes a request 'vexatious' such as frequent or overlapping requests and unfounded accusations. Requests are usually applicant-blind but the

³ [Does the value and purpose of the request justify its impact? | ICO](#)

Commissioner's section 14(1) guidance and case law allows motive to be a factor in determining whether a request is vexatious.

46. Any individual has the right to hold public authorities to account for the public money they spend, even those that are tasked to carry out independent regulation themselves. The complainant has argued that their request is for transparency reasons. However, it is hard to see how this request has value and purpose, given the financial details already publicly available on IPSA's website, when set against the impact of the burden it would impose.
47. As the Commissioner has decided that IPSA has cited section 14(1) appropriately to the requested information, he has not gone on to consider section 31 FOIA.

Section 10 – time for compliance with request

48. Section 1(1) of FOIA states that:

“Any person making a request for information to a public authority is entitled – (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and (b) If that is the case, to have that information communicated to him.”

49. Section 10(1) FOIA states that a public authority must respond to a request promptly and 'not later than the twentieth working day following the date of receipt'.
50. The complainant originally complained to the Commissioner that they had not received a response to their 19 January 2022 request. IPSA's response to the complainant's request on 17 February 2022 was slightly beyond the legislative timeframe and therefore breached section 10(1) FOIA.

Section 17 – refusal of request

51. Section 17(5) of the FOIA states:

“A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.

52. As IPSA issued its refusal notice beyond the 20 working days, it also breached section 17(5) of FOIA.

Right of appeal

53. 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
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

54. 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.

55. 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

**Janine Gregory
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Information Commissioner's Office
Wycliffe House
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