

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 October 2022

Public Authority: Medicines & Healthcare Products Regulatory Agency (Executive Agency of the Department for Health and Social Care)

Address: 10 South Colonnade
Canary Wharf
London
E14 4PU

Decision (including any steps ordered)

1. The complainant has requested information about adverse reactions to the coronavirus vaccination.
2. The Medicines & Healthcare Products Regulatory Agency ('MHRA') refused to comply with the request, citing section 14(1) (vexatious requests) of FOIA.
3. The Commissioner's decision is that the request was vexatious and therefore the MHRA was entitled to rely upon section 14(1) to refuse it.
4. The Commissioner does not require the public authority to take any further steps.

Request and response

5. On 16 December 2021 the complainant wrote to the MHRA and made the following request:

"Please publish in full your findings from the Yellow Card reports on Coronavirus vaccine adverse reactions which show that the reports are not the results of adverse vaccine reactions."
6. The MHRA responded on 17 January 2021. It refused to comply with the request, stating that it was vexatious.

7. On 25 January 2022 the complainant requested an internal review.
8. On 24 February 2022 the MHRA provided the outcome to its internal review. The MHRA upheld its original position.

Reasons for decision

Section 14(1) – vexatious requests

9. Section 14(1) of FOIA states:

“Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.”

10. The Commissioner’s guidance¹ states that a vexatious request will represent ‘a manifestly unjustified, inappropriate or improper use of a formal procedure.’
11. Some requests will be clearly vexatious whilst other requests will be less clear cut. In all cases, the important question for a public authority to ask is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress.
12. The Commissioner’s guidance also states ‘In some cases, you may believe that several different requesters are acting together as part of a campaign to disrupt your organisation by the sheer weight of FOIA requests they are submitting. Then, you can take this into account when determining whether any of those requests are vexatious.
13. A public authority must have sufficient evidence to substantiate its position that requests have been submitted as part of a campaign. Some indicators of a campaign might be:
 - The requests are identical or very similar;
 - The public authority has received email correspondence in which other requesters have been copied in or mentioned;
 - There is an unusual pattern of requests, for example a large number have been submitted within a relatively short space of time; or
 - A group’s website makes an explicit reference to a campaign against the public authority.

¹ [What does vexatious mean? | ICO](#)

14. The Commissioner has previously considered two very similar complaints against the MHRA. These requests were dealt with under IC-160439-J9F2² and IC-157922-W9F0³
15. In both of these cases, the Commissioner determined that the requests were vexatious because they were part of a campaign and therefore the MHRA was entitled to rely upon section 14(1) to refuse to comply.
16. Since the Commissioner has given a detailed analysis as to why the aforementioned requests were part of a campaign, he doesn't deem it necessary to duplicate those arguments here.
17. During this investigation, the MHRA explained to the Commissioner that the request was submitted at a similar time, and using similar wording, than those the Commissioner investigated under IC-160439-J9F2 and IC-157922-W9F0. Therefore, the MHRA considered the request was also part of the same campaign and therefore vexatious.

The Commissioner's view

18. For the same reasons as outlined in IC-160439-J9F2 and IC-157922-W9F0, the Commissioner is satisfied that the request represents part of a campaign and is therefore vexatious.

² [ic-160439-j9f2.pdf \(ico.org.uk\)](#)

³ [ic-157922-w9f0.pdf \(ico.org.uk\)](#)

Right of appeal

19. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

20. 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.
21. 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

Alice Gradwell
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