

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

### **Decision notice**

**Date:** 3 October 2022

**Public Authority:** Medicines and Healthcare Products Regulatory Agency

**Address:** 10 South Colonnade  
Canary Wharf  
London  
E14 4PU

#### **Decision (including any steps ordered)**

---

1. The complainant requested information from the Medicines and Healthcare Products Regulatory Agency (MHRA) relating to the Quantitative Risk Assessment (QRA) data and report. The MHRA refused the request under section 14(1) of FOIA (vexatious request).
2. The Commissioner's decision is that the request was vexatious and therefore the MHRA was entitled to rely upon section 14(1) of FOIA to refuse it.
3. The Commissioner does not require any steps to be taken as a result of this decision notice.

## **Request and response**

---

4. On 8 December 2021, the complainant made the following request for information:  
  
"Please will you supply me with, or otherwise confirm if they do not exist, any quantitative risks assessments which demonstrate that the MHRA Yellow Card Adverse Reports are not the result off vaccine effects."
5. On 14 January 2022, the MHRA responded by saying the request was being refused because it was vexatious under section 14(1) of FOIA.
6. The complainant requested an internal review on 19 January 2022. The MHRA responded on 24 February 2022 and upheld their reliance on section 14(1) of FOIA.

## **Scope of the case**

---

7. The complainant wrote to the Commissioner on 17 March 2022 to complain about the way their request for information had been handled.
8. This notice covers whether the MHRA correctly determined that the request was vexatious.

## Reasons for decision

---

### Section 14(1) – vexatious requests

9. Section 14(1) of FOIA states that a public authority is not obliged to comply with a request for information if the request is vexatious.
10. The word “vexatious” is not defined in FOIA. However, as the Commissioner’s updated guidance on section 14(1)<sup>1</sup> states, it is established that section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation, or distress.
11. FOIA gives individuals a greater right of access to official information in order to make bodies more transparent and accountable. As such, it is an important constitutional right. Therefore, engaging section 14(1) is a high hurdle.
12. However, the ICO recognises that dealing with unreasonable requests can strain resources and get in the way of delivering mainstream services or answering legitimate requests. These requests can also damage the reputation of the legislation itself.
13. The emphasis on protecting public authorities’ resources from unreasonable requests was acknowledged by the Upper Tribunal (UT) in the leading case on section 14(1), *Information Commissioner vs Devon County Council & Dransfield* [2012] UKUT 440 (AAC), (28 January 2013) (“Dransfield”)<sup>2</sup>. Although the case was subsequently appealed to the Court of Appeal, the UT’s general guidance was supported, and established the Commissioner’s approach.
14. Dransfield established that the key question for a public authority to ask itself is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation, or distress.

---

<sup>1</sup> <https://ico.org.uk/for-organisations/dealing-with-vexatious-requests-section-14/>

<sup>2</sup> <https://administrativeappeals.decisions.tribunals.gov.uk/Aspx/view.aspx?id=3680>

15. The four broad themes considered by the Upper Tribunal in Dransfield were:

- the burden (on the public authority and its staff).
- the motive (of the requester).
- the value or serious purpose (of the request); and
- any harassment or distress (of and to staff).

16. However, the UT emphasised that these four broad themes are not a checklist and are not exhaustive. They stated:

“All the circumstances need to be considered in reaching what is ultimately a value judgement as to whether the request in issue is vexatious in the sense of being a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA” (paragraph 82).

### **The MHRA's view**

17. The MHRA has said: “The use of the specific text in the FOI “the quantitative risk assessment data and report which demonstrates that the MHRA Yellow Card Vaccine Adverse Reports are not the result of vaccine effects” in each of the 292 requests clearly demonstrates a link between these FOI requests, resulting in them being classed as ‘similar’. The volume of these similar FOI requests received in such a relatively short space of time is demonstrably unusual.” And “Receiving a large volume of similar FOI requests in a short space of time would have had a negative effect on the operation of the Agency and, as such, adversely affect public health, suggesting that this could be a campaign intended to cause disruption to the Agency.”

18. They noted the complainant's view that:

“I regard that as quite unacceptable, so am writing to formally request an internal review is carried out.”

This included 3 specific points around the ease of obtaining the information if it is held, that as a number of requests had been received showed a matter of great public interest, and as the requests were similar, this would make a response easier as it did not have to be tailor made.

However, the MHRA countered this in saying "The Agency had explored alternative responses to the FOI, and it was decided after consultation with a range of departments within the Department of Health that the use of a section 14 (1) exemption in responding was correct."

### **The complainant's view**

19. The complainant has said:

"I feel that there should be no problem for MHRA to let me and others know what quantitative analysis has been undertaken, and if in fact there has been none done so far, that is even easier to answer. Accordingly I consider labelling these enquiries vexatious is just a tactic on the part of MHRA to avoid dealing with what maybe awkward questions for it. Accordingly I do not consider it reasonable to refuse my FOI Request just by mistakenly I believe labelling it vexatious, and it is irrelevant that a number of people may have been inspired to write by an item in UK Column."

### **The Commissioner's decision**

20. In cases where a public authority is relying on section 14(1), it is for the public authority to demonstrate why it considers that a request is a disproportionate, manifestly unjustified, inappropriate, or improper use of FOIA.

### **The value of the request**

21. The Commissioner acknowledges that the subject matter may be of public interest.
22. He accepts that, by seeking transparency and accountability, a request will have value or serious purpose.

### **The negative impacts of the request - burden, motive, and harassment**

23. The Commissioner acknowledges that the MHRA considers that the motive of the requester is to cause undue disruption.
24. The Commissioner has been provided with evidence the MHRA says confirms a targeted campaign that was designed to place undue burden on the agency. The Commissioner considers that the information supplied by MHRA is evident of such a campaign.

25. He considers that, in the circumstances of this case, this lessens the value of the request and supports the argument that the request is vexatious.

**Balancing the value of the request against the negative impacts**

26. In reaching a decision in this case, the Commissioner has balanced the purpose and value of the request against the detrimental effect on the public authority.
27. He has also considered, in light of the evidential targeted campaign against the MHRA, whether, at the time, the request crossed the threshold of what was reasonable.
28. To the extent that the volume and wording of the requests (292) referenced by the MHRA in support of its view that the request is vexatious, adds to the overall picture when linked to the request under consideration in this case. The Commissioner has taken them into account as he considers that they are relevant to the extent that they explain the nature of the dealings between the parties and a pattern of behaviour.
29. The purpose of section 14 of FOIA is to protect public authorities and their employees in their everyday business. In his guidance, the Commissioner recognises that dealing with unreasonable requests can strain resources and get in the way of delivering mainstream services or answering legitimate requests. These requests can also damage the reputation of the legislation itself.
30. The Commissioner acknowledges that there is clearly weighty public interests relating to information about vaccines. However, the MHRA have evidenced why the timing and wording of this request is relevant to the other similar requests, at the time of this request.
31. Having balanced the purpose and value of the request against the detrimental effect on the MHRA, the Commissioner is satisfied that the request was not an appropriate use of FOIA procedure.
32. The Commissioner considers that the request was vexatious and therefore the MHRA was entitled to rely on section 14(1) of FOIA to refuse the request.

## Right of appeal

---

33. 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](mailto:grc@justice.gov.uk)

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

34. 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.
35. 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 .....**

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