

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 March 2023

Public Authority: The Council of the University of Cambridge
Address: University Offices
The Old Schools
Trinity Lane
Cambridge
CB2 1TN

Decision (including any steps ordered)

1. The complainant made a four-part request, each of which contained multiple sub-parts, for information relating to chapter 20 of the book titled "Exact Solutions in Three-Dimensional Gravity" (the Book) by A.A Garcia-Diaz. Cambridge University Press & Assessment (Cambridge) refused to comply with the request, citing section 14(1) of FOIA (vexatious request).
2. The Commissioner's decision is that Cambridge was entitled to rely on section 14(1) of FOIA to refuse the request because the request was vexatious.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 25 December 2021, the complainant made the following request for information relating to the book "Exact Solutions in Three-Dimensional Gravity":

"I request the following information regarding reuse in Chapter 20 (<https://doi.org/10.1017/9781316556566.021>):

(1)(a)(i) Any dates on which Chapter 20 was analyzed using plagiarism detection services, such as iThenticate.

(ii) The corresponding results of the plagiarism detection service for Chapter 20.

(b) Any other reports concerning analysis of Chapter 20 (e.g. by editorial staff or academics), from 1 September 2017 onwards, conducted proactively, i.e. analyzed before the University received any specific allegations of reuse in this chapter.

I request the following information concerning reuse permissions in general:

(2)(a) Excerpts of any contract, i.e. legally binding mutual agreement, between the University and the book author specifying which party would be responsible for obtaining permissions for any reuse of copyrighted material.

(b) Information communicated from the University to the book author, after initial publication of the book:

(i) Instructing, requesting or advising the book author to obtain explicit reuse permissions for any copyrighted material reused in the book.

(ii) Instructing, requesting or advising the book author to provide the University with evidence that reuse permissions had been obtained for any copyrighted material reused in the book.

The remaining parts of the request relate to the University's handling of concerns, communicated to members of the Academic Publishing Committee of the Press Syndicate and/or editorial staff, of wholesale verbatim reuse of copyrighted material

(I) In Chapters 9 and 10 (<https://doi.org/10.1017/9781316556566.010> and <https://doi.org/10.1017/9781316556566.011>) from reference [1] (communicated to University on 18 August 2019)

(II) In Chapter 13 (<https://doi.org/10.1017/9781316556566.014>) from reference [2] (communicated to University on 17 August 2019)

(III) In Chapter 20 (<https://doi.org/10.1017/9781316556566.021>) from reference [3] (communicated to University on 7 February 2018)

from the references

[1] A. A. Garcia, A. Garcia-Quiroz, M. Cataldo and S. del Campo, "Relationship between (2+1) and (3+1)-Friedmann–Robertson–Walker cosmologies; linear, non-linear, and polytropic state equations", *General Relativity and Gravitation* 37(4), 685 (2005) (<https://doi.org/10.1007/s10714-005-0056-5>)

[2] A. A. Garcia-Diaz "Dilaton field minimally coupled to 2+1 gravity; uniqueness of the static Chan-Mann black hole and new dilaton stationary metrics", *AIP Conference Proceedings* 1577, 220 (2014) (<https://doi.org/10.1063/1.4861958>)

[3] A. A. Garcia, F. W. Hehl, C. Heinicke and A. Macias, "The Cotton tensor in Riemannian spacetimes", *Classical and Quantum Gravity* 21, 1099 (2004) (<https://doi.org/10.1088/0264-9381/21/4/024>).

I request the following information:

(3) Any information demonstrating that concerns (I), (II) and (III) have been investigated in accordance with COPE publishing guidelines, as defined by the flowcharts "Plagiarism in a published article" (<https://publicationethics.org/files/plag...> <https://doi.org/10.24318/cope.2019.2.2>) and "Redundant (duplicate) publication in a published article" (<https://publicationethics.org/files/dupl...> <https://doi.org/10.24318/cope.2019.2.13>). In particular, any information corresponding (adapted to a book rather than a journal article, as referred to in the Press's "Publishing Ethics: Academic Research" document) to the following aspects of the flowcharts:

(a)(i) "Contact corresponding author in writing, ideally enclosing signed authorship statement (or cover letter) stating that work is original/the author's own and documentary evidence of plagiarism".

(ii) "Contact corresponding author in writing, ideally enclosing signed authorship statement (or cover letter) stating that submitted work has not been published elsewhere and documentary evidence of duplication".

(b)(i) "Contact author in neutral terms expressing disappointment/explaining journal's position. Discuss publishing correction giving reference to original paper(s) if this has been omitted".

(ii) "Contact author in neutral terms expressing concern/explaining journal's position. Explain that secondary

papers must refer to original. Discuss publishing correction giving reference to original paper."

(c)(i) "The instructions to authors should include a definition of plagiarism and state the journal's policy on plagiarism."

(ii) "The instructions to authors should state the journal's policy on redundant publication."

(4) Information confirming that reuse permissions had been obtained for reuse of copyrighted material from references [1], [2] and [3] within each of the time periods below (excluding (a) for [1] and [2], because of the University's previous negative response):

(a) Before sales of the book resumed in spring 2019.

(b) After sales of the book resumed in spring 2019, and before the time of this request."

5. Cambridge responded on 25 January 2022. It stated that:
 - It was withholding the information requested in parts 1(a)(i), 1(a)(ii) and all of part 3 under section 21 of FOIA.
 - it did not hold any information falling within the scope of part 1(b) and all of part 4.
 - It was withholding the information requested for all of part 2 under section 41 of FOIA.
6. The complainant requested an internal review of Cambridge's response on 10 March 2022.
7. Cambridge provided the outcome of its internal review on 19 April 2022, revising its position. It's revised position was that all the information requested was exempt, on the basis that the request was vexatious under section 14(1) of FOIA.

Scope of the case

8. The complainant contacted the Commissioner on 18 July 2022 to complain about the way their request for information had been handled.
9. The Commissioner has considered whether Cambridge was correct to refuse to comply with the request under section 14(1) of FOIA.

Reasons for decision

10. A vexatious request is defined as a “manifestly unjustified, inappropriate, or improper use of a formal procedure”.
11. Cambridge has argued that the complainant’s request is a further example of their use of FOIA in connection with the University’s publication of the Book, with the particular focus of the request concerning allegations the complainant has made of self-plagiarism by the author of his own previous work.
12. The Commissioner understands that the complainant has made 16 requests to Cambridge since May 2018. Like this request, these 16 requests had multiple sub parts which, when considered separately, come to a total of 45 requests. Cambridge stated that this figure did not take into account the multiple questions within those sub-parts.
13. Cambridge stated that in the time period since the complainant made their first request until the Press merged with Cambridge Assessment in August 2021, it had received a total of 33 requests under FOIA from the complainant, and that this figure did not include the number of sub-parts for those requests. It stated that the complainant’s use of FOIA clearly represented a completely disproportionate burden on Cambridge’s time and resources.
14. Cambridge argued that all of the complainant’s requests relate, directly or indirectly, to the content and publication of the Book, including the specific publication processes applied to the Book by the University and the wider University processes the complainant has raised in the context of the publication of the Book.
15. Cambridge stated that no matter how many requests it answers, in whole or in part, there is no cessation to the complainant’s use of FOIA.
16. Cambridge is of the view that there is no public interest in permitting the complainant to continue what it considers to be the complainant’s relentless and obsessive pursuit of the author of the Book, the University, and the Press in connection with the Book. Cambridge argued that the misuse of FOIA and connected personal and academic attacks has caused the author repeated distress and it has caused concern and stress to others connected with the Book, including within the University.
17. Cambridge has referred to previous decision notices issued by the Commissioner, accepting that this matter is clearly a private interest of the complainant, but is of no, or minimal, wider public interest. To the extent that the complainant had any direct interest in supposed

plagiarism of his own work in the Book, Cambridge stated that the complainant has always had legal remedies which he has not exercised. Cambridge argued that the complainant's present focus on the author's alleged self-plagiarism cannot constitute any wider public interest and underlines the lack of any proper basis to his repeated requests.

18. The Commissioner is satisfied that Cambridge has done as much as could be expected to satisfy the complainant's requests. Continuing to respond to the complainant's requests would be unlikely to satisfy the complainant and would simply drain Cambridge's finite resources.
19. The Commissioner therefore takes the view that this is a request without reasonable foundation and that it has been submitted for the purposes of wasting Cambridge's resources, as well as attempting to discredit the author. This is an abuse of the FOIA process.
20. The Commissioner is therefore satisfied that this request is vexatious.

Right of appeal

21. 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

22. 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.
23. 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
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SK9 5AF