

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 June 2023

Public Authority: Loddon Parish Council
Address: The Library Annexe
Church Plain
Loddon
Norfolk
NR14 6EX

Decision (including any steps ordered)

1. The complainant submitted two requests for information held by Loddon Parish Council (the parish council) about the recordings it made of specified meetings.
2. The Commissioner's decision is that the parish council is entitled to rely on section 14(1) – vexatious requests, of FOIA, as its basis for refusing both of the complainant's requests.
3. The Commissioner does not require further steps to be taken as a result of this decision notice.

Request and response

4. The complainant has made two requests for information that are to be considered within this one decision notice. The requests were submitted separately via the "whatdotheyknow" website.

5. On 12 October 2022, the complainant wrote to the parish council and requested information (Request 1) in the following terms:
 - “1. For the recorded footage in full of the Parish Council meeting on the 12-10-22 to be sent to me in a readable, unedited format.
 2. If the equipment used to record Parish Council Meetings is owned by Loddon Parish Council?
 3. If Equipment used is not owned by Loddon Parish Council, who is it owned by?
 4. What measures are taken to ensure confidentiality is followed, i.e., what forms of encryption are used?
 5. What is Loddon Parish Councils policy on the minimum time recordings have to be kept, in order to have them available should members of public wish to exercise their right and request them.”
6. The parish council responded to confirm that it did not hold any of the requested information.
7. On 12 November 2022, the complainant advised that they were not satisfied with the parish council's response; they said that they were aware that all meetings were recorded by the parish council on a mobile phone.
8. On 12 November 2022, the complainant then submitted a separate request (Request 2), via the “whatdotheyknow” website, as follows:

“I am writing to you under the freedom of information act 2000 to request the following information from Loddon Parish Council

 1. For the recorded footage in full of the Parish Council meeting on 12-10-22 and 09-10-22 to be sent to me in a readable, unedited format.
 2. What is Loddon Parish Councils policy on the minimum time recordings have to be kept, in order to have them available should members of public wish to exercise their right and request them.”
9. On 13 November 2022, the complainant requested an internal review in relation to Request 1, and on 16 November 2022, the parish council provided its response.
10. The parish council advised the complainant that it had initially interpreted their request for “footage” in a “readable, unedited format” to mean a copy of a written transcript of the relevant

meeting, which it did not hold. The parish council said that it now considered that there might possibly be an alternative reading of this part of the request; it asked the complainant to confirm whether they required an actual copy of the audio recording itself or, alternatively, to provide further clarification about what they did require.

11. On 16 November 2022, the parish council also issued the complainant with a separate response to Request 2, advising that this was, in part, a repeat of Request 1. The parish council again asked that the complainant clarify whether they required the audio recording of the meeting of 12 October 2022; it also confirmed that a meeting was not held on 9 October 2022.
12. On 21 November 2022, the complainant stated that they still required the two audio recordings that they had requested; they also said that the date of the second meeting was 9 November 2022 (and not 9 October 2022).
13. On 27 November 2022, the complainant asked the parish council to confirm when the recordings would be released into the public domain; they then sent a further chaser on 28 November 2022.
14. On 2 December 2022, the parish council confirmed that whilst the complainant had now clarified that they required the audio recordings of the meetings of 12 October 2022, and 9 November 2022, upon further review of the requests, and other related correspondence, it had decided to refuse both Request 1 and Request 2 under section 14(1) of FOIA, on the basis that they were vexatious.

Reasons for decision

15. The parish council has confirmed to the Commissioner that its final position is that Request 1 and Request 2 are vexatious.
16. The Commissioner has therefore considered whether the parish council is entitled to rely on section 14(1) of FOIA as its basis for refusing to comply with Request 1 and Request 2.
17. The complainant has argued that the two requests are not vexatious; they state that there is a legitimate interest in providing the information that has been requested.
18. Furthermore, the complainant has said that as the parish council has released audio recording of meetings in response to an information request made by another individual, it has not properly considered its

responsibilities under the FOIA; the complainant claims that section 14 has been applied to the requester, rather than the requests.

19. The parish council has referred to decision notice [IC-194228-M4Q1](#) in support of its position. In that case, the Commissioner considered a request made to the parish council by the same complainant on 22 September 2022, for costs associated with Staithe public toilets. The Commissioner decided that the parish council was entitled to rely on section 14(1) of FOIA as its basis for refusing to comply with the request.
20. The parish council has said that the arguments which it presented in support of its decision to refuse the complainant's request of 22 September 2022, are also applicable to the two current requests that are under consideration.
21. The Commissioner's [guidance](#) on vexatious requests says that when considering whether a request is vexatious, the key test is to determine whether it is likely to cause a disproportionate or unjustified level of disruption, irritation or distress. The guidance sets out a number of factors which can assist with determining whether a request is vexatious.
22. If the terms of Request 1 and Request 2 are considered in isolation, with no other factors taken into account, it is the Commissioner's view that compliance with such requests is unlikely to result in a significant burden to the parish council, in terms of time and resources.
23. Furthermore, whilst the minutes of the meetings that have been requested may be published by the parish council, the Commissioner considers that there is some value in the release of the audio recordings of meetings, and associated information; this would further promote openness and transparency in the parish council's activities and decision-making processes.
24. However, whilst the complainant is correct to say that section 14 is applicable to the request, and not the requester, the Commissioner's guidance states that the context and history of a request is often a major factor in determining whether a request is, or is not, vexatious. It is therefore possible that the value attributed to a request when it is considered in isolation may be reduced when other relevant factors are taken into account.
25. The Commissioner considers the details set out within decision notice IC-194228-M4Q1 to be directly relevant to his consideration of this case. This is because the two requests covered in this notice were made within a short space of time of the request covered in the

earlier decision notice, and there is no indication that there was any significant change in circumstances within this time period.

26. The Commissioner has also had regard to the fact that Request 2 was, in part, a repeat of Request 1, and was submitted before the latter was fully concluded. He considers that this action further supports the arguments presented by the parish council (set out within paragraphs 8-11 of decision notice IC-194228-M4Q1) about the difficulties it has experienced as a result of the nature and volume of correspondence it has received from the complainant.
27. The Commissioner accepts that Request 1 and Request 2 are for a different set of information to that requested by the complainant on 22 September 2022. However, having considered all of the information available, the Commissioner has not found any evidence of any other factors of significance that are applicable only to Request 1 and Request 2 and which, when taken into account, would lead him to form a different conclusion to that set out within decision notice IC-194228-M4Q1.
28. The Commissioner has therefore decided that Request 1 and Request 2 are vexatious for the same reasons set out within paragraphs 12-14 of decision notice IC-194228-M4Q1, and he finds that the parish council is entitled to rely on section 14(1) of FOIA as its basis for refusing to comply with both requests.

Right of appeal

29. 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

30. 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.
31. 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

Suzanne McKay
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
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SK9 5AF