

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 March 2023

Public Authority: The Council of the University of London
Address: Senate House
Malet Street
London
WC1E 7HU

Decision (including any steps ordered)

1. The complainant has requested information about historical records. The above public authority ("the public authority") refused the request as vexatious.
2. The Commissioner's decision is that the public authority 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 17 November 2022, the complainant wrote to the public authority and requested information in the following terms:

"I would like to know which authority should hold the records of the PhD viva of LSE graduates in the 1980s? A. Question 1: Please tell me that which authority should hold the records of the PhD viva of the LSE graduates in the 1980s? B. Question 2: I noted that there is a related request as the following link.
[https://www.whatdotheyknow.com/request/does_the_university_of_london_ho#incoming-1940596.](https://www.whatdotheyknow.com/request/does_the_university_of_london_ho#incoming-1940596)"
5. The public authority responded on 14 December 2022. It refused the request as vexatious – a position it upheld following an internal review.

Reasons for decision

6. A vexatious request is defined as a “manifestly unjustified, inappropriate or improper use of a formal procedure.
7. It is evident from the complainant’s correspondence that this request is really a request about the PhD thesis of Taiwanese President Tsai Ing-wen.
8. The Commissioner is aware that there is a concerted effort, amongst a small group of individuals, to discredit President Tsai’s academic credentials. Their motivation is unclear, but is probably relevant to note in this context that the earliest requests for information on this subject that the Commissioner is aware of began in the months immediately prior to the 2020 Taiwanese presidential election.
9. Since then, both the public authority and the London School of Economics and Political Science (LSE) have received a large number of requests, many of which are overlapping or repetitive, despite requesters being aware of previous requests for the same or similar information. More recently, other public authorities such as the British Library and the Commissioner himself, have received requests on the same subject.
10. It is also relevant to note that MySociety, which operates the whatdotheyknow.com website (a tool for assisting individuals to make FOIA requests), has now taken the view that requests seeking to challenge the validity of President Tsai’s thesis represent a misuse of its terms and conditions. As of March 2022 it had banned 108 users, as well as removing 300 requests and 1,640 comments from its site.¹ In its reasoning, MySociety indicated that it had received credible information suggesting that the People’s Republic of China might be encouraging the making of such requests – although the Commissioner has been unable to verify this particular claim.
11. The complainant’s request was originally made using the whatdotheyknow.com website and its thread has been taken down.
12. The Commissioner has dealt with a number of complaints about the way both the public authority and the LSE have dealt with requests involving President Tsai. The Commissioner has, in the main, upheld both public

¹ <https://www.mysociety.org/2022/03/09/freedom-of-information-requests-around-the-academic-status-of-dr-tsai-ing-wen/>

authorities' handling of such requests – including their withholding of certain elements of President Tsai's student records. The complainant is evidently aware of these decisions.

13. The Commissioner has had access to the relevant records, but has seen no reason to suggest that President Tsai's degree was not properly awarded in 1984, nor any reason to suggest that the disappearance of the original copies of the thesis were as the result of anything other than poor record-handling practice some 40 years ago.
14. The Tribunal, which is entirely independent of the Commissioner, has also had access to the same information and has also reached the same conclusion.
15. The Commissioner is satisfied that the public authority has done as much as could be expected to satisfy all reasonable requests and reasonable requesters. Continuing to respond to such requests would be unlikely to satisfy the remaining requesters and would simply drain the public authority's finite resources.
16. Of particular relevance in the present case is that the complainant specifically references an earlier request, for the same information, to which the public authority had already responded. 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 the public authority's resources, as well as attempting to discredit President Tsai. This is an abuse of the FOIA process.
17. The Commissioner is therefore satisfied that this request is vexatious.

Other matters

18. The Commissioner notes that, given that he has set out his position on this matter on a number of occasions, he is likely to refuse to deal with future complaints relating to President Tsai's thesis.

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

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
Cheshire
SK9 5AF