

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 November 2024

Public Authority: Chief Constable of Cleveland Police
Address: St Marks House
St Marks Court
Thornaby
Stockton on Tees
TS17 6QW

Decision (including any steps ordered)

1. The complainant requested information regarding Operation Magnolia and specifically, how victims reported abuse to Cleveland Police. Cleveland Police relied on section 14(1) of FOIA (vexatious) to refuse the request.
2. The Commissioner's decision is that the request was vexatious and therefore Cleveland Police was entitled to rely upon section 14(1) of FOIA to refuse it.
3. The Commissioner does not require any steps.

Request and response

4. On 17 May 2024, the complainant wrote to Cleveland Police and requested information in the following terms:

"Victims are aware that since the start of operation Magnolia prison [Officer] [name redacted] and more recently prison [officer] [name redacted] are now dead.

There are now 799 victims and it has taken the Cleveland Police 10 years to take 450 witnesses statements from victims. By the time the Cleveland Police do finally [obtain] all the outstanding victims statements (let's say another 10 years) a lot more prison officers would have died (this is probably your true intention).

Under the Freedom of Information Act please provide me with how many victims reported abuse to you via the Police National computer form .

Under the same act please provide me with how many victims reported abuse to you via a solicitor.”

5. Cleveland Police responded on 21 May 2024, advising that the request was being refused under section 14. A position which it maintained during its internal review.

Reasons for decision

Section 14(1) – vexatious requests

6. 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.
7. The Commissioner has outlined his view in a similar request for information made by the same complainant in his Decision Notice IC-324162-D5L01¹. In that case, the Commissioner upheld Cleveland Police’s position that the request was vexatious.
8. The Commissioner has considered the specific circumstances of this case and he considers that the same factors that caused the previous request to be refused apply equally here. He has therefore adopted the arguments provided by Cleveland Police in IC-324162-D5L0 and, for the same reasons as in that decision notice, has concluded Cleveland Police was also entitled to rely on section 14 when refusing this request.

¹ [ic-324162-d5l0.pdf](#)

Right of appeal

9. 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

10. 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.
11. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Michael Lea
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