

Gloucestershire County Council Freedom of Information Vexatious Requests Policy 3-1

1. Introduction

Gloucestershire County Council is committed to openness and will make every effort to respond positively to a request for information made under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004.

It is recognised that on occasions the council will receive requests that may be defined as repeated, vexatious or manifestly unreasonable. The relevant legislation allows for requests to be classed under these headings in order to prevent abuse of the public's right to know.

The Information Commissioner (ICO) has recognised that there may be a risk that some individuals and perhaps some organisations may seek to abuse the right of access with requests. Such cases may well arise in connection with a grievance or complaint that an individual is pursuing.

In all cases that are considered possibly vexatious, repeated or manifestly unreasonable, the council will undertake an assessment to determine if it is acceptable to define the request under one of those headings.

2. Vexatious and manifestly unreasonable requests

A request is likely to be considered as vexatious or manifestly unreasonable if it is considered to be a substantial burden on the financial and human resources of the council and it:

- clearly does not have any serious purpose or value;
- is designed to cause disruption or annoyance;
- has the effect of harassing the council; or
- can otherwise fairly be characterised as obsessive or manifestly unreasonable.

In all cases it is the **request** that has to be vexatious or manifestly unreasonable, not the applicant. This can sometimes be a difficult distinction to draw, but a useful test is to consider whether the information would be supplied if another person who was unknown to council had requested it. However, the council is able to take into account previous communications with, and any known intentions of, the applicant when making this assessment.

Some customers may choose to behave in a manner towards council employees and/or place demands on our services that are unacceptable, if this is the case the Unacceptable Customer Behaviour Policy will apply.

3. Assessing the request

The council will undertake the assessment of requests that are considered to be vexatious on a case by case basis. The assessment will follow ICO/Information Tribunal decisions and current ICO guidance. The Information Requests Team Manager will undertake the assessment in most cases. Complex cases will be referred to the Head of the Information Management Service and/or a legal adviser.

If there is uncertainty as to whether a request is vexatious the council will consider one of the following actions:

- Contact the applicant and ask him or her to clarify the request.
- Comply with the request and reduce the chances of a more time-consuming grievance developing between the applicant and the council, providing an explanation that future requests may be assessed under this policy.
- Refuse a request and provide an explanation of the reason for refusal and reasonable endeavours will be made to explain to the applicant what they should do differently in future to ensure their requests are not assessed as being vexatious.

4. Repeated requests

Where a request for information has previously been complied with which was made by any person, there is no obligation to comply with a subsequent identical or substantially similar request from that same person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request. A repeated request does not mean similar or identical requests from different applicants, unless those applicants have been identified as working together.

The council has defined a “reasonable interval” as 60 working days from responding to the previous request.

On some occasions the council will process requests as standard requests that appear to repeat a previous request, for example, this may be in a situation when a repeated request is received and it is for information that is regularly updated.

5. Customer expectations

Applicants will be issued with a refusal notice to inform them of the decision to define their request as vexatious, repeated or manifestly unreasonable within the 20 working day deadline. They will be provided with an explanation of the factors that have led to the decision.

Repeated requests will receive one such notice. In most cases, any repeated requests received after this notice has been issued will be acknowledged but the council will undertake no further correspondence relating to the matter, unless the applicant wishes to appeal against our decision. In some cases repeated requests may cease to be acknowledged.

6. Appeals

All applicants have the right to appeal against any decision to refuse their request. Such appeals should be made under the [Information Compliance Complaints Procedure](#) and will, on the first occasion, be treated as a request for an internal review of a refusal.

7. Review and Revision

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 3 years. Next review due March 2020.

Document Control

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Version History

Version	Version date	Summary of Changes
1-0	2008, December	Approved by Directors' Board.
1-1	2012, November	Reviewed and reformatted. Link to Information Compliance Complaints procedure added.
2-0	February 2015	Minor changes, including added that repeated requests are not always acknowledged.
3-0	February 2017	Updated job titles and hyperlinks. Review completed in accordance with current ICO guidance. Added reference to Unacceptable Customer Behaviour Policy
3-1	March 2019	Updated job titles