

07 March 2024

IC-287830-K4V1

Request

You asked us:

"Under the Freedom of Information Act 2000, I am writing to request information regarding the data protection registration of Irby upon Humber Parish Council with the Information Commissioner's Office (ICO) for the past five years.

Specifically, I would like to request the following information:

- 1. Confirmation of each Irby upon Humber Parish Council data protection registration or renewal with the ICO for the past five years.*
- 2. The dates on which Irby upon Humber Parish Council completed their data protection registration or renewal with the ICO for each of these years.*
- 3. The sum paid by Irby upon Humber Parish Council to the ICO in respect of their data protection registration fee for each year.*
- 4. The data protection registration number for Irby upon Humber Parish Council."*

We received your request on 10 February 2024.

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

In this instance we have decided to refuse your request under section 14(1) of the Freedom of Information Act 2000 (FOIA). This refusal has been made having carefully considered the ICO's published [guidance on dealing with vexatious requests](#).

Section 14 (1) FOIA states that:

"Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious"

The ICO's guidance explains that when deciding on whether or not a request is vexatious, the key question to be asked is: *"...whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress"*.

The guidance also states that the context and history in which a request is made will often be a major factor in determining whether the request is vexatious, and the public authority will need to consider the wider circumstances surrounding the request before making a decision as to whether section 14(1) applies.

In practice this means taking into account factors such as:

- Other requests made by the requester to that public authority (whether complied with or refused).
- The number and subject matter of those requests.
- Any other previous dealings between the authority and the requester.

As well as this, in *Information Commissioner v Devon County Council & Dransfield* [2012] UKUT 440 (AAC) the Upper Tribunal concluded that 'vexatious' could be defined as the *"...manifestly unjustified, inappropriate or improper use of a formal procedure"*.

Our past response to you under reference **IC-160324-R2M5** laid out our rationale for refusing that request referencing the arguably obsessive nature and volume of complaints and requests regarding Irby upon Humber Parish Council (the Council). You were informed in that response that further requests relating either directly or indirectly to the Council would most likely be refused under section 14(1). I consider that much of that rationale remains relevant to this request.

We are aware that the Council had been dissolved for a period and, during that time, your complaints and requests for information held by the ICO about the council diminished. While we acknowledge that since our response alluded to above you have reduced the number of complaints and information requests, it is notable that as soon as the Council reconstituted, your requests have resumed.

Given the similarities between this request and your previous requests and the timing of your request, it is our view that this present request is intended to resume a campaign of disruption against the Council.

With the above in mind, we remain of the view that this and like requests serve no serious purpose in terms of their wider public interest and are unlikely to resolve your apparently ongoing issues with the Council. As such we consider this simply an attempt to resume and perpetuate the drain on the time and resources of the Council, and by extension, the ICO.

You do, of course, retain the right to request information from the ICO. However, please be advised that further requests relating either directly or indirectly to the Council may not receive a response under FOIA section 17(6).

This concludes our response to your request.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full [review procedure](#) on our website.

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint](#) through our website.

Your information

Our [privacy notice](#) explains what we do with the personal data you provide to us, and sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely

ico.

Information Commissioner's Office



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