

31 October 2024

IC-337520-L4J4

## **Request**

You asked us:

"Please provide all the recorded information relating to IC-329668-J6D2 request

The handling and internal communications, the Qualified persons opinion and comments and all regarding information?"

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

## **Response**

We are refusing to respond to this request in accordance with section 14 of the FOIA. This is because to assess and prepare all of the materials relating to this case for disclosure would place a grossly oppressive burden on the ICO's time and resources. This is due to the large amount of information that falls within the scope of your request, the likelihood that this contains exempt information and the time required in each case to assess each item and prepare it for disclosure, as well as conduct any necessary consultations.

Section 1(1) of the FOIA does not oblige a public authority to comply with a request for information if the request is vexatious. This has been considered to apply because to assess the relevant information for disclosure would place a grossly oppressive burden on the ICO's time and resources.

Locating the items in scope is not necessarily onerous in itself, but assessing and preparing this information for disclosure would impose a significant burden on the ICO. This is because you have asked for everything relating to the case, which will include a significant amount of information that was considered and discussed but deemed out of scope for IC-329668-J6D2.

With these considerations in mind, there would be well over a thousand pages of complex information to consider. Much of this would likely be subject to exemptions, particularly where this includes any examples relating to identifiable third parties, or any other details that might prejudice our regulatory work or effective conduct of public affairs if disclosed. Such information would not necessarily be straightforward to isolate and would require detailed checks, as well as in depth consultations with relevant staff, which would divert their time and resources away from core duties.

Even if it only took two minutes to check and prepare 1000 of the pages in scope for disclosure (in some cases this may be longer, particularly where information may be subject to exemptions, or requires us to consult with different staff to check what would be lawful to disclose) this would involve over 30 hours of work.

With this in mind, we sought clarification from you on 17 October 2024 and explained that the provisions of Section 14 may apply to your request. You responded on 25 October 2024 as follows:

"Provide all of the information within scope. You need to be requester and motive blind. Stop trying to weasel.out of the requests."

As you did not provide any clarification, this means we would have to consider anything that might be relevant and take a broad approach to scoping. The amount of work involved would arguably be disproportionate to any likely value of the results. We would also question whether there is a wider public interest in an exhaustive disclosure of all materials that relate to this request, given that relevant information was disclosed in response to IC-329668-J6D2, details relating to information exempted as part of that response are likely to be exempt here also, and much of the information we would be considering was not within scope of IC-329668-J6D2 (and would also be likely to be subject to exemptions).

We consider that the information already published about this topic satisfies the wider public interest in this aspect of our work and while we appreciate that some members of the public may have a more specialist or in-depth interest in this area (or a general interest in what types of information we hold more in relation to particular areas of our work), such personal interests do not necessarily reflect the broader public interest or justify extensive investment of our resources. Such interests may be more reasonably and effectively addressed by more targeted requests (see the suggestions we provided previously), which enable us to balance reasonable investment of our resources against the likely value of any disclosure to the public at large.

We consider that to respond to this request would impose a grossly oppressive burden on the ICO in terms of time and resources, and that this would be disproportionate to any likely public interest in the overall result. This is because:

- a substantial volume of information falls within scope of the request;
- there are real concerns about potentially exempt information;
- this potentially exempt information cannot easily be isolated as it is scattered throughout different types of documents, thus requiring detailed manual searches to identify it;
- we consider that there is unlikely to be substantial public interest in disclosure of such an extensive amount of information about this topic; and
- the resource required to respond would be disproportionate to any likely value of the outcome.

Section 14 (1) FOIA states that: '14.—(1) 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'. For the above reasons and in accordance with section 14 of the FOIA we are refusing the request.

### **Advice and assistance**

As we have already explained, much of the burden would lie in assessing the information that, while out of scope for the purposes of IC-329668-J6D2, would fall within scope of this request because it was considered as part of the case handling process and copies have been retained. With this in mind we could consider a request focused only on correspondence relating to the information that was in scope of IC-329668-J6D2, a request focused on a particular aspect of the request handling, or a request for correspondence involving a particular team or member of staff (some details are provided in the disclosure associated with the original request) or covering particular date ranges.

Please note that even if we did consider a more focused request, exemptions would still likely apply to at least some of the information. Consideration can also be given as to whether the value to the public of any resulting information is proportionate to the effort to assess it for disclosure, and in response to your comment ('you need to be requester and motive blind') it is worth noting that there are circumstances under which [we can consider the requester's identity and motive](#). These may be relevant when considering a Section 14 refusal, although not in this case – the reason for refusal was the burden imposed.

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



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Strategic Planning and Transformation  
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