

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 30 October 2014

**Public Authority:** Commissioner of the Metropolitan Police Service

**Address:** New Scotland Yard  
Broadway  
London  
SW1H 0BG

#### **Decision (including any steps ordered)**

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1. The complainant has requested information about reported suicides at two premises and about a court case. The Metropolitan Police Service (the "MPS") found the requests to be vexatious under section 14(1) of the FOIA. The Commissioner has concluded that MPS was entitled to rely on the exclusion at section 14(1) and he requires no steps.

#### **Background**

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2. A few of the complainant's requests to the MPS, which form some of the basis for citing section 14(1), can be found on the 'What do they know?' ("WDTK") website. They can be found via these links:

[https://www.whatdotheyknow.com/request/how\\_many\\_riddor\\_reportscomplaint#incoming-273542](https://www.whatdotheyknow.com/request/how_many_riddor_reportscomplaint#incoming-273542)

[https://www.whatdotheyknow.com/request/is\\_it\\_necessary\\_to\\_obtain\\_a\\_sect#incoming-273439](https://www.whatdotheyknow.com/request/is_it_necessary_to_obtain_a_sect#incoming-273439)

[https://www.whatdotheyknow.com/request/merlin\\_mappa\\_and\\_mara\\_details\\_o#incoming-273543](https://www.whatdotheyknow.com/request/merlin_mappa_and_mara_details_o#incoming-273543)

[https://www.whatdotheyknow.com/request/pan\\_london#incoming-273395](https://www.whatdotheyknow.com/request/pan_london#incoming-273395)

[https://www.whatdotheyknow.com/request/please\\_provide\\_full\\_details\\_of\\_m#incoming-273545](https://www.whatdotheyknow.com/request/please_provide_full_details_of_m#incoming-273545)

[https://www.whatdotheyknow.com/request/your\\_policy\\_on\\_the\\_metropolitan#incoming-260522](https://www.whatdotheyknow.com/request/your_policy_on_the_metropolitan#incoming-260522)

[https://www.whatdotheyknow.com/request/interviewing\\_vulnerable\\_adults#outgoing-195063](https://www.whatdotheyknow.com/request/interviewing_vulnerable_adults#outgoing-195063)

[https://www.whatdotheyknow.com/request/pan\\_london#comment-27354](https://www.whatdotheyknow.com/request/pan_london#comment-27354)

[https://www.whatdotheyknow.com/request/fao\\_mr\\_hogan\\_howe\\_commissioner\\_m#comment-27152](https://www.whatdotheyknow.com/request/fao_mr_hogan_howe_commissioner_m#comment-27152)

[https://www.whatdotheyknow.com/request/fao\\_ms\\_strong\\_re\\_free\\_dom\\_of\\_info#incoming-273451](https://www.whatdotheyknow.com/request/fao_ms_strong_re_free_dom_of_info#incoming-273451)

3. The Commissioner notes that on 23 October 2012 the complainant's account access was 'blocked' by WDTK. It advised her:

*"This user has been banned from WhatDoTheyKnow*

*They have been given the following explanation:*

*Your account has been suspended for repeatedly using WhatDoTheyKnow to make complaints and to request your own personal information. Please contact <team@whatdotheyknow.com> if you wish to discuss this. Please do not attempt to register a new account".*

## **Requests and responses**

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4. The MPS's responses cover two of the complainant's requests so both are included below.
5. On 2 January 2014, the complainant wrote to the MPS (and another) and requested information in the following terms:

*"Subject: RE: re FOI No: 2011080000363 - a new request arising from the rejection by MPS to give me this information*

*Dear Mr Turner MP for the Isle of Wight and Ms Loizou Metropolitan Police Service,*

*Thank you very much for your acknowledgement.*

*For clarification, my NEW FOI Request arises out of that which Mr Deja rejected. Since that time a lot has happened, including the tragic death of Diana Mager which ended up in Coroners Court and legal action by the family in respect of this against Oxleas NHS Foundation Trust.*

*So, that is the background to my renewing my FOI Request in the light of new events.*

*MY FREEDOM OF INFORMATION REQUEST OF 20 DECEMBER 2013 IS:*

*"I WISH TO KNOW WHAT IS KNOWN ABOUT THE REPORTED "SUICIDES" THAT WERE REPORTED AS HAVING TAKEN PLACE AT GREEN PARKS HOUSE AND IVY WILLIS HOUSE AND/OR AS FREEDOM OF INFORMATIONREQUEST.*

*I am exceedingly concerned that there is report in both the Orpington News Shopper and This is London in March 2011 of 2 "suicides" - one allegedly at Ivy Willis House and the other at Green Parks House.*

*This is such a serious issue that it goes beyond individual issues and goes into the public domain for where is the regulation of the facilities? Who was in charge? What happened? Why? Was there lack of care as claimed by someone of the Bromley Mental Health Forum? If not, why is such a claim made?*

*What investigations have been made of Oxleas as the provider of care in Ivy Willis House and Green Parks House, Oxleas?*

*What investigations have been made of London Borough of Bromley as supporting Ivy Willis House and Green Parks House, Oxleas? What investigations have been made of the Bromley Adult Safeguarding and Police Unit?*

*What investigations have been made of Bromley PCT?*

*Have these issues now been fully investigated and if so what lessons have been learned? " "*

*I also wish to have explained to me in full, what investigations were conducted into the police handling of the alleged suicides as reported in 2011 which occurred at Ivy Willis House and Green Parks House, of Oxleas NHS Foundation Trust. What lessons were learned and what policy / policies were put in place in consequence?*

*For what concerns me is that in 2012, a suicide did occur at Green Parks House, Oxleas NHS Foundation Trust, and the South London Coroner was duly concerned about the way in which vulnerable patients are helped by the services.*

*Specifically, did the Police actually investigate my concerns or did they simply destroy my data, as in 2012, when I requested information, I was then informed that my requests per se were deemed to be vexatious in their totality, although individually they were not originally assessed as such.*

*I really am frightened that had the MPS considered the concerns I raised in August 2011, then the ensuing tragedies might have been avoided...*

*and I would be very grateful to have acknowledgement that this data will be provided in full - and of course redacting all sensitive information - so that the facts of the matter are disclosed so that we may find out how to prevent such tragedies from occurring in future - lessons to be learned".*

6. On 6 June 2014 the complainant wrote to the MPS (and others) and requested information in the following terms:

*"Subject: FW: FAO Mr Deja MPS FOI unit and Oxleas NHS Foundation Trust re public safety and personal safeguarding*

*Dear Mr Turner MP for the Isle of Wight, Mr Deja MPS FOI Unit, Mr Hunt Secretary of State for Health, Ms Lucas Governance Oxleas NHS Foundation Trust, MSU HMCTS, General Enquiries Ministry of Justice, Mr Behan CEO Care Quality Commission, IPCC Enquiries, MOPAC, Feedback MPS,*

*I am returning to the issue of Sally Hodkin and the Queens Bench Masters List with Hodkin v Oxleas NHS Foundation Trust & Another.*

*I note that nobody has seemingly wished to apprise me who the "& Another" is.*

*Could someone please identify if that "& Another" is*

- a] South London Healthcare NHS Trust*
- b] King's College NHS Foundation Trust*
- c] Metropolitan Police Service*
- d] Commissioner Metropolitan Police Service*

*as I am also aware that the Criminal Review Commission did not have the IPCC Report that was published, despite my asking them if they held it.*

*I am concerned that a regulator should not have the IPCC Report into the police. Could someone please check whether or not the HMCTS has this very important IPCC Report that is freely available on the internet for all to read? Has Oxleas obtained a copy?*

*I believe that the killer of Sally Hodkin must get justice and have understanding as to how and why the state agents failed her in her hour of need when she was pleading for help, advising people that she was dangerous.*

*Please may I have acknowledgement of this request for information, as I believe that someone should make an urgent case review of [name removed] as she is a condemned murderer, and yet her conviction for murder may be based on false premiss if the IPCC Report is not held and understood in full, perhaps?*

*I ask that this be investigated as a matter of urgency”.*

7. The MPS responded on 24 June 2014 and advised that it found the requests to be vexatious. It referred her to a refusal notice it had previously sent to her on 4 April 2012 and, noting that she had submitted an additional 13 requests under the FOIA since that time, expanded on its earlier response.
8. The complainant requested an internal review on 24 June 2014. The grounds for requesting an internal review were:

*“... I have to request why the attachment has no details of whom it comes from as it is basically a blank piece of paper<sup>1</sup>.*

*I request please a **formal** response with the name and date and address and the specific Metropolitan Police Service details as at present this is totally unacceptable.*

*You are fully aware, of course, that I have made several complaints about*

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<sup>1</sup> The correspondence being referred to is a copy of the refusal notice which was sent to the complainant on 4 April 2012.

*a] my Subject Database not being made compliant by the Public Access Office as I did indeed take up what (name removed) wrote in 2012 about seeking my full subject database. However, as you are in the Public Access Office yourself, you are aware that this was never actually provided to me in full, and has been the subject of specific and ongoing complaints with the ICO who have been led to believe that I made a new Subject Access Request in 2013 whereas I did not. What I want to know is what has been going on with my data that was processed by the police in 2006 onwards as there have been legal fora using such data and yet I have had no right to reply and no right to redress whatsoever.*

*2] At present, as you will be aware, I am currently going through a major complaints process with the IPCC and MPS regarding major issues of accountability by the Metropolitan Police Service and the Commissioner, Sir Bernard Hogan-Howe. The author of the document appears to be (name removed) but this is put in doubt because there is no formality on the paper at all. As I understand it, an attachment to an email can be detached from the email in which the Metropolitan Police Service details are shown for yourself, but on the blank piece of paper there is no date, no address and nothing at all to prove the status of (name removed) as being authorised by the Metropolitan Police Service to address any issues pertaining to my formal complaints made to the MPS which are the subject of serious concerns raised with the MPS for over 3 years. I cannot believe that it is the intention of the MPS is to frustrate the investigation of these complaints, as this would be a major tort and actionable.*

*Therefore please address these serious matters".*

9. The Commissioner therefore notes that the complainant did not actually ask the MPS to reconsider whether or not her requests were 'vexatious'. However, he also notes that the subject line of the email concerned is entitled 'Reject – Vexatious request' and he therefore considers it reasonable for the MPS to address the application of section 14 in its internal review.
10. The MPS provided its internal review on 1 September 2014. It explained that it was dealing with her request for her personal data under the terms of the Data Protection Act 1998 and provided her with contact details. It explained that the letter was purely a copy of the refusal notice which had been previously sent to her on 4 April 2012. It also explained to her the processes for raising complaints against the MPS. It upheld its decision to apply Section 14(1).

11. A copy of the MPS's detailed notice of 4 April 2012 has been appended to this decision notice for information – personal data has been redacted.

### **Scope of the case**

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12. The Commissioner will consider whether or not the MPS was correct to consider her requests to be vexatious.

### **Reasons for decision**

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13. Section 14(1) of FOIA states that section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.
14. The term "vexatious" is not defined in the FOIA. The Upper Tribunal considered the issue of vexatious requests in the case of the *Information Commissioner v Devon CC & Dransfield*<sup>2</sup>. The Tribunal commented that vexatious could be defined as the "*manifestly unjustified, inappropriate or improper use of a formal procedure.*" The Tribunal's definition clearly establishes that the concepts of proportionality and justification are relevant to any consideration of whether a request is vexatious.
15. The Upper Tribunal decision has been appealed and is due to be considered by the Court of Appeal in January 2015. The Commissioner's guidance<sup>3</sup> suggests that the key question the public authority must ask itself is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress. Where this is not clear, the Commissioner considers that public authorities should weigh the impact on the authority and balance this against the purpose and value of the request. Where relevant, public authorities will need to take into account wider factors such as the background and history of the request.
16. In its refusal notice of 24 June 2014 the MPS advised the complainant:  

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<sup>2</sup> GIA/3037/2011

<sup>3</sup>[http://www.ico.org.uk/for\\_organisations/guidance\\_index/~media/documents/library/Freedom\\_of\\_Information/Detailed\\_specialist\\_guides/dealing-with-vexatious-requests.ashx](http://www.ico.org.uk/for_organisations/guidance_index/~/media/documents/library/Freedom_of_Information/Detailed_specialist_guides/dealing-with-vexatious-requests.ashx)

*"Pursuant to the provisions of Section 14 of the Freedom of Information Act 2000 (the Act) I have decided to refuse your request as it has been deemed a 'Vexatious Request'.*

### **REASONS FOR DECISION**

*You were given a full and comprehensive refusal notice explaining why your requests were deemed vexatious in April 2012. I see no value in repeating the very detailed information provided to you at that time by my colleague (name removed). Therefore this refusal notice will add to the response (name removed) prepared and it should be read in conjunction with that document. For your reference I have attached a copy of (name removed)'s response.*

*I note that you have submitted an additional 13 new FOI requests since you received (name removed)'s response. I will provide details of these requests and the MPS response to them.*

#### **Closed requests**

#### **Requests 2012040001359, 2012040001466, 2012040001952 and 2012060000497**

*These requests fell within the areas that were deemed vexatious and as such they were not responded to. The Act allows us to do this as previous notification was given outlining the fact that we applied section 14 of the Act and therefore, in accordance, with section 17(6) no further response was required.*

#### **Requests 2012030004125, 2013060002773 and 2013070001670**

*These requests were all seeking personal data and were therefore refused under section 40(5) of the Act. One of the points that (name removed) commented on in the attached response was that you have continually requested personal data under the Freedom of Information Act despite numerous attempts by the MPS to advise you that such requests would be exempt. This is an indicator of unreasonable persistence as the issue has been outlined on many occasions yet you continue to repeatedly request personal information in this way.*

#### **Request 2013070001115**

*This request again asked for information in relation to a matter that had previously been explored. This relates to suicides at Green Park House and Ivy Willis House. Following this request you were reminded that the information requested was held for the purpose of an investigation and*



*that as such it was exempt by virtue of section 30 of the Act. This is the same decision issued in respect of your request 2011080000363 which asked for the same information.*

**Request 2013110000947**

*This request related to information that was already in the public domain and therefore did not need to be requested under the Act. The request was refused by virtue of section 21 of the Act which applies to information that is reasonably accessible via other means.*

**Request 201312000722**

*This request related to complaints against Commissioner Hogan-Howe. While this appears unconnected to the other matters - namely, your mother, other family members, Green Park/Ivy Willis House suicides and mental health related topics - it did in fact form a small part of a much later piece of correspondence which included those matters. In any case we accepted the request and informed you that this information was held by another authority, the Mayor's Office for Policing and Crime.*

**Request 2014050002465**

*This request related to various MPS procedures in respect of individual's (sic) who have suicidal tendencies. You were provided with information relating to this matter.*

**Open requests**

**Request 2014040000420**

*This request relates to suicides at Green Park House and Ivy Willis House. The information requested is a repeat of an earlier request 2013070001115 which in turn was a repeat of 2011080000363. This is an indicator that your request lacks purpose and value as you are raising repeat issues which have already been fully considered by the MPS.*

**Request 2014060001004**

*This request relates to a new topic stream - the murder of Sally Hodkin - however it is still tied to mental health issues. The Information Commissioner's guidance on vexatious requests states:*

*"The requestor's past pattern of behaviour may also be a relevant consideration. For instance, if the authority's experience of dealing with*

*(an applicant's) previous requests suggests that (they) wont (sic) be satisfied with any response and will submit numerous follow up enquiries..." the request may impose a disproportionate burden on the public authority.*

### **Considerations for making the requests vexatious**

*Since we issued the previous vexatious notice the Information Commissioner's Office have updated their guidance. Of note is the emphasis on protecting public authorities' resources from unreasonable requests. The ICO state, "public authorities should not regard section 14(1) as something which is only to be applied in the most extreme circumstances, or as a last resort. Rather, we would encourage authorities to consider its used in any case were they believe the request is disproportionate or unjustified."*

*As I have mentioned above your requests fall within the category of unreasonable persistence. This is because in almost all cases the matters have been considered previously - sometimes on multiple occasions - and as such additional requests can only be attempts to reopen issues and have us reconsider decisions.*

*The MPS also feel that your requests on the topics mentioned or otherwise connected to mental health issues cause a disproportionate and unjustified level of disruption. We feel this is disproportionate because the issues have already been covered in previous requests and there is nothing to gain from repeating them. As such these repeated requests relating to the same subject matter lose there (sic) purpose and value.*

### **Conclusion**

*Having considered the information outlined above, the past pattern of behaviour as illustrated in (name removed)'s response and the Information Commissioner's Office Guidance on dealing with vexatious requests I have decided that this request is considered vexatious. Furthermore, any subsequent requests relating to the following topics will also be considered vexatious and will not be responded to.*

#### **Topics deemed vexatious:**

- *The issues relating to your family (including your mother, brother and sister)*
- *South London Healthcare NHS Trust*
- *Oxleas HNS Foundation Trust*
- *Princess Royal University Hospital*

- *Green Park House*
- *Ivy Willis House*
- *Sally Hodkin*
- *MPS Mental Health policies, practices and procedures*
- *Any other request relating to or stemming from Mental Health issues*

*For your information the ICO guidance on dealing with vexatious requests can be found at the following link:*

*[http://ico.org.uk/news/blog/2013/~//media/documents/library/Freedom\\_of\\_Information/Detailed\\_specialist\\_guides/dealing-with-vexatious-requests.pdf](http://ico.org.uk/news/blog/2013/~//media/documents/library/Freedom_of_Information/Detailed_specialist_guides/dealing-with-vexatious-requests.pdf)*

28. The Commissioner would like to note that the MPS has continued to deal with requests which are not connected to the subject matters considered as 'vexatious' above.

### **Burden of requests and level of disruption, irritation or distress**

17. The MPS advised the Commissioner:

*"The additional work being undertaken in order to meet (the complainant)'s demands has constituted a significant amount of work and a significant distraction from the day to day business and in relation to responding to other FoIA requests. This has placed a strain on our time and resources which is contributing to the aggregated burden".*

And:

*"... the sheer size and complexity of the requests including the high volume of the requests but more importantly the accusations and complaints made by (the complainant) is having an effect of harassing staff dealing with her correspondence".*

18. The MPS has provided the Commissioner with details of the requests it has received from the complainant along with samples of some of the additional email correspondence which she has submitted. Since December 2010 the complainant has submitted 41 requests which have resulted in 16 internal reviews (including those being considered in this investigation). Many of these requests are overlapping and repetitious.
19. The correspondence is voluminous and often unfocussed with the complainant regularly submitting large amounts of correspondence each time she contacts the MPS. The correspondence is peppered with questions and seeks opinions, includes requests for personal data, and also often contains complaints about various bodies, including the MPS

and its staff. Whilst it is cannot be described as abusive, it is at times accusatory and the Commissioner accepts that this could well cause unacceptable distress to those staff dealing with the correspondence. Furthermore, as it is very difficult to follow it can be difficult to assess what is actually being requested, if indeed there is a valid information request within the text. This makes the requests extremely onerous and burdensome to deal with.

20. The Commissioner has himself found it very difficult to follow the material associated with these requests (through no fault of the MPS). It covers multiple recipients and refers to different public authorities, and seems to require all issues to be considered together. The complainant often seeks to have matters investigated and she wants to know what the MPS is doing in relation to matters which she considers to be of considerable importance. However, whilst the Commissioner notes her genuine concerns, such issues are not matters which can be properly raised through the FOIA regime and the Commissioner notes that the MPS has gone to some considerable lengths to try to assist the complainant and explain how matters should be properly addressed. Unfortunately this advice is not followed.
21. Having considered the correspondence and the MPS's submissions the Commissioner has no hesitation in accepting that the requests are burdensome and cause significant levels of disruption, irritation and distress, albeit that he does not consider that this it is the requester's intention. He is also of the opinion that significant public resources have already been expended in providing information and assistance to the complainant.

### **Unreasonable persistence**

22. The MPS advised the Commissioner:

*"I believe (the complainant) has been obsessive in her persistence to obtain information to these requests. This is because in almost all cases the matters have been considered previously and in some cases on multiple occasions and as such additional requests can only be attempt to reopen issues and have the MPS reconsider decisions".*

23. Having viewed the complainant's requests, the Commissioner is satisfied that the MPS's submission about her requests being obsessive is accurate. The complainant can be clearly seen to be attempting to re-open issues which have been addressed previously.
24. Further evidence of her persistence can be shown in the ongoing contact she makes having submitted a request. She does so by following her

requests with a stream of further correspondence, some related and some unrelated. The MPS has evidenced this to the Commissioner by providing some examples of the emails which it has received. These are too voluminous to include in this notice.

25. Recent activity by the complainant evidences her continuing persistent nature. The MPS has evidenced that over the weekend of 24 to 26 October 2014 she submitted 4 emails to its main FOIA mailbox, 43 emails to one member of staff, 14 to another member of staff and 21 to a third member of staff. These staff are all part of the MPS's Public Access Office ("PAO") team who deal with FOIA requests so the impact on that team is obviously significant – the Commissioner also notes that other members of staff may have received correspondence too.
26. When asked to describe the nature of these emails the MPS advised the Commissioner:

*"They are mixed, some are duplicates sent to multiple staff, others are unique. (The complainant) has sent emails that are the same but has just changed the subject line. She has also copied or referred to sections of emails and simply stated words to the effect of 'where is the evidence for this'".*

27. As a consequence, each piece of correspondence needs to be carefully considered in case it is different in any way as it may contain an information request. The MPS has advised the Commissioner that some of the emails relate to issues which the MPS considers to be 'vexatious', some relate to her own personal data and some relate to issues she has with MPS staff.
28. In the Commissioner's view, this continued type of contact clearly evidences unreasonable persistence on the part of the complainant and demonstrates her behaviour. It obviously causes considerable distraction to the proper functioning of the PAO staff at the MPS, albeit that he recognises not all of this correspondence relates to matters which are considered to be 'vexatious'.

## **Conclusion**

29. Taking into account the pattern of behaviour and the overarching theme and volume of the requests described above, the aggregate disproportionate burden and unreasonable persistence tests are met and justify the conclusion that these requests are vexatious and the MPS was justified in applying section 14(1) FOIA.

## Right of appeal

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30. 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: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

31. 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.
32. 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 .....**

**Jon Manners**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**

## **Non-confidential annex**

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This is a copy of the refusal notice issued by the MPS on 4 April 2012. Personal data has been replaced by 'xxx'.

"Dear xxx

*Freedom of Information Request Reference Numbers: 2012030002279, 2012030002303, 2012030002306, 2012030002307, 2012030002530, 2012030002675, 2012030002695, 2012030003328, 2012030003332, 2012030003339, 2012030003344, 2012030003346 and 2012030003598*

### **DECISION**

*Pursuant to the provisions of Section 14(1) of the Freedom of Information Act 2000 (FoIA) I have decided to refuse your requests as they have been deemed a 'Vexatious Request'.*

*This letter therefore serves as a refusal notice under section 17(5) FoIA. Please see Legal Annex below for any sections of the FoIA referred to in this notice.*

### **SUMMARY**

*Since December 2010 you have submitted 26 requests to the Metropolitan Police Service (MPS) for information under the Freedom of Information Act 2000 (FoIA). In addition, you have asked the MPS to review its original decision in 7 cases. All of these cases have either concerned the treatment of your late mother, incidents concerning your brother and sister and the South London Healthcare NHS Trust and Princess Royal University Hospital. In at least 7 cases you have requested information which would be deemed to be personal information concerning either your family or yourself. The MPS has responded to these cases by advising you of your rights to make a Subject Access request under the provisions of the Data Protection Act 1998. Despite this advice you continue to make requests for personal information under the Freedom of Information Act. In this respect I would like to advise you that such requests are not a private transaction. Both the request itself, and any information disclosed, are considered suitable for open publication. This is because, under Freedom of Information, any information disclosed is released into the wider public domain, effectively to 'the world', not just to one individual.*

*The MPS has responded to you in all these previous cases that either, no information was held; provided relevant links to information or*

*neither confirmed nor denied that such information was held. However, despite these responses you continue to make further requests for information on the same subject area surrounding your family.*

*You have currently made 13 new requests for information under the Freedom of Information Act and it is now against this background that the MPS has deemed that these 13 new requests - on this same subject area concerning the treatment of your late mother, incidents concerning your brother and sister and the South London Healthcare NHS Trust and Princess Royal University Hospital - have become a significant burden in terms of diversion of staff from dealing with their other functions, including responding to other members of the public and their requests.*

*The term 'vexatious' is not defined under the FoIA but it will refer to cases such as this where it forms part of a wider pattern of behaviour. Many of your requests are overlapping and are being made within days of each other and have become excessive, with extensive correspondence being sent to the MPS.*

*The remainder of this response is the evidence for refusing these 13 requests under section 14(1) of FoIA taking into account all the circumstances of the requests. Section 14 provides that a public authority is not obliged to deal with a request for information if it is vexatious.*

## **REASON FOR DECISION**

*After a careful examination of all your requests above I have decided to make these requests vexatious by virtue of Section 14(1) FoIA governing vexatious requests. Section 14(1) states as follows: 14(1) Section (1) does not oblige a public authority to comply with a request for information if the request is vexatious'.*

*The Information Commissioner's Office (ICO) Decision notice FS50421454 states 'Under section 14(1), a public authority does not have to comply with a request for information if the request is vexatious; there is no public interest test. The term 'vexatious' is not defined in the Act. The Information Commissioner notes, however, that it is the request rather than the requestor which must be vexatious.'*

*In determining whether or not the request is vexatious, the ICO will have regard for the context and history of the request and has issued guidance entitled 'Vexatious or repeated requests' as a tool to assist in the consideration of when a request can be treated as vexatious. This guidance sets out the following five key questions for public authorities to consider when determining if a request is vexatious, namely:*



1. *Could the request fairly be seen as obsessive?*
2. *Is the request harassing the authority or causing distress to staff?*
3. *Would complying with the request impose a significant burden in terms of expense or distraction?*
4. *Is the request designed to cause disruption or annoyance?*
5. *Does the request lack any serious purpose or value?*

*In Decision Notice FS50286906 the ICO states in respect of these 5 questions '...an affirmative response to all of the questions is not necessary for a request to be deemed vexatious. However, it states that to judge a request as vexatious a public authority should usually be able to make persuasive arguments under more than one of the above [5 key questions] headings'.*

*This approach is further clarified in FS50286906, referring to Information Tribunal EA/2007/0114 'the proper inquiry must be as to the likely effect of the request on a reasonable public authority. In other words, the standard to be applied is an objective one.' More recently this approach was confirmed by the First-Tier Tribunal EA/2011/0222 which states 'The criteria proposed in the ICO's guidance are very helpful as a reference point. However, an approach which tests the request by simply checking how many of the five "boxes" are "ticked" is not appropriate. It is necessary to look at all the surrounding facts and apply them to the question whether the request is vexatious, a term not defined in FOIA but familiar to lawyers.'*

*I have considered the same criteria in my analysis, taking into account the context and history of your requests, and deemed that these requests to be vexatious. In order to provide sufficient arguments in support of my decision I have also followed the same five key factors. I would also like to take this opportunity to draw the distinction in that, although there is a personal element to your requests, you are not asking for your own personal information in the sense of a Subject Access request under the Data Protection Act 1998.*

*In addition to these requests I have collated over 57, in some cases extensive, emails, which contain a mixture of requests, chasing emails for receipts, withdrawal of a complaint or the MPS merely being copied into requests sent to other public authorities between 10th May 2011 and 29th March 2012. Some of these requests have been submitted to other public authorities via the public website whatdotheyknow.com. In ICO Decision Notice FS50374873 it was noted (paragraph 20) 'The*

*complainant has submitted requests to the council, One North East and other authorities via the website whatdotheyknow.com. A visitor to this website can click on the name of any applicant who has submitted a request. This takes them to a page listing all of the applicant's requests made via the site. The council has therefore been able to see that the complainant has made a series of requests to One North East about the Difference Engine.' The ICO later refers to a previous case (paragraph 22) 'the Commissioner found that the Cabinet Office was entitled to take into account the requests it was aware an applicant had made to other public authorities when assessing whether a request was vexatious.'*

*Could the requests fairly be seen as obsessive?*

*For a request to be seen as obsessive the ICO guidance states 'Relevant factors could include a very high volume and frequency of correspondence, requests for information the requester has already seen, or a clear intention to use the request to reopen issues that have already been considered (particularly if there has been an independent investigation). The wider context and history of a request will be important here, as it is unlikely that a one-off request could be obsessive.'*

*In FS50286906 the ICO view was 'the test to apply here is one of reasonableness. In other words, would a reasonable person describe the request as obsessive or manifestly unreasonable? The ICO view is that the wider context and history of a request is important as it unlikely that a one-off request could be obsessive.' The ICO further states 'A request may not be vexatious in isolation, but when considered in context (for example if it is the latest in a long series of overlapping requests or other correspondence) it may form part of a wider pattern of behaviour that makes it vexatious'.*

*I have therefore also considered your requests alongside a number of others made to the MPS in the past few months which form a pattern of behaviour. Since December 2010 you have made numerous requests to the MPS which have also been made concurrently with other public authorities on the same subject matter in connection with your family concerning your mother xxx prior to her death in July 2006 and other members of your immediate family namely, xxx and xxx whilst in the care of Princess Royal University Hospital.*

*Your requests also concern the MPS and its decision not to further investigate these matters. In this respect I can inform you that during the course of events over the past 15 months I am aware you have been advised there have been four independent reviews of the*

*circumstances of your mother's medical treatment and therefore no further investigation was deemed necessary by the MPS.*

*The ICO also points to the Tribunal case of Rigby where it was put forward that 'ongoing requests, after the underlying complaint has been investigated [by independent regulators], [go] beyond the reasonable pursuit of information, and indeed beyond persistence'. Further, the more independent evidence available, the more likely the request can be characterised as obsessive although a request may still be obsessive even without the presence of independent evidence.'*

## **HISTORY and CONTEXT**

*Applying this rationale to these series of correspondence I note that in your first FoIA request 12th December 2010 (FoIA 2010120001919) begins with the subject heading 'reporting of an alleged assault of 26/27 June 2006 by PRUH on xxx deceased xxx 2006 METROPOLITAN POLICE / ORPINGTON POLICE REFERENCE 4714 12 DECEMBER 2010' and contains a number of questions around the an alleged assault and the administration of Haloperidol and the Princess Royal University Hospital (PRUH) between 26th June 2006 to 3rd July 2006. You were advised that the MPS were unable to locate any relevant information specific to your request and therefore the information was not held by the MPS.*

*On the 1st August 2011 (FoIA 2011080000363) in response to an article in the local media concerning the reported suicides as having taken place at Green Parks House and Ivy Willis House you ask a number of questions stating 'This is such a serious issue that goes beyond individual issues and goes into the public domain for where is the regulation of the facilities? Who was in charge? What happened? Why? Was there a lack of care as claimed by someone of the Bromley Mental Health Forum?' You also ask about what investigations have been made of Oxleas as the provider of care at these two locations, Bromley Adult Safeguarding and Police Unit and Bromley PCT. The MPS fully exempted the requested information by virtue of Section 30 (investigations and proceedings conducted by a public authority), section 38 (Health and Safety) and Section 40 (Personal Information).*

*Further examples of where you have sought to locate personal information surrounding your family can be evidenced in your request 5th September 2011 (FoIA 2011090000735) where you ask in very extensive and detailed letter 'I would like to be given details of what CCTV camerawork the Metropolitan Police have of South London Healthcare NHS Trust Princess Royal University Hospital....and the car parking area immediately outside the A and E on the nights of 7 and 9 march 2011...I made a RIDDOR report to HSE regarding the transfer of*

*patient from a private vehicle into hospital. I pointed out that CCTV camerawork had not been provided...' The MPS neither confirmed, neither denied that personal information was held by virtue of section 40(5) FoIA.*

*On the 26th October 2011 (FoIA 2011100003985) you requested information on the MPS Policy on "Do Not Resuscitate" Orders and if so, what the exact policy was in place in April 30 to 3 July 2006 inclusive. In questions 7 and 8 you ask 'What is your current view on Do Not Resuscitate order and Does your police force investigate people's concerns?' The MPS replied that there was no such specific policy/procedure. You were provided with the Standard Operating Procedures (SOP) entitled Primary and secondary investigation of crime. You were advised that personal information had been redacted from these SOPs by virtue of section 40 (personal information) and section 31 (Law enforcement).*

*On 21st November 2011 (FoIA Review 2011110003106) you asked the MPS to review its decision in regards to the CCTV at the South London Healthcare NHS Trust Princess Royal University Hospital. The Review officer upheld the decision to engage section 40(5). In addition, the reviewer provided you with advice and assistance under section 16 FoIA by advising you that it was appropriate to explain to you some information about the Data Protection Act. You were provided with links to the ICO website which detailed the difference between the Freedom of Information Act and Data Protection Acts. You were advised that if people require information held by the MPS which relates to their own information, or information which concerns them, they may wish to make a Subject Access Request. You were further advised that the Freedom of information Act is unfortunately not the route to obtain personal information which may or may not be held by the MPS.*

*On 4th January 2012 (FoIA Review 2012010000572) you asked the MPS to review its decision in relation to 'Do Not Resuscitate' order. You were advised that it would exceed the 18 hour threshold allowed under FoIA in order to answer questions 4,5 and 6 as there was no specific 'flag' on the complaints database and therefore a response to these questions was dependent upon a search of the keyword 'do not resuscitate'. However it was confirmed no information was held for the first part of your original request.*

*On 2nd February 2012 (FoIA 2012020000637) within a detailed email to Bromley Police you ask 'under FOI/DPA the information that Metropolitan Police have ascertained about my mother, xxx. This is because I discovered she was part of "Adult safeguarding" in 2006...' Within this email you state 'London Borough of Bromley has destroyed my mother's files...in which he stated that the safeguarding of both my*

*mother, xxx, and my sister xxx had been done properly...And THEN had the temerity to try and sideline me completely regarding my sister, about which I have made vigorous objections as is my Human Rights as well as those of my brother and sister that are being abused. As you are the Police and are supposedly protecting us all, I wish to know precisely how you have in fact safeguarded me and my brother and sister - and my dead mother, xxx. For your part in all this needs full explanation...' The MPS neither confirmed, neither denied that personal information was held by virtue of section 40(5) FoIA.*

*On the 10th February 2012 (FoIA 2012020001897) you ask in a series of questions 'why did the Metropolitan Police not investigate an alleged assault on my mother - at her request I contacted the police - on 28 June 2006 when I contacted them ? I telephoned Orpington Police Station around 10am on Wednesday 28 [J]une 2006 but I since discovered that there was NO RECORD of any such complaint to the police of an alleged crime. Why not?' You further mention within this letter posted from the public website Whatdotheyknow 'All I can do is investigate and try to get the authorities to do the same. The Police did not. The GMC are powerless without the name of the alleged prescriber of the Haloperidol...' . The MPS neither confirmed, neither denied that personal information was held by virtue of section 40(5) FoIA.*

*On the 12th February 2012 (FoIA 2012020001946) via the public website Whatdotheyknow you requested the following 'I wish to know who called me on Sunday 29 April 2007. I wish to have the transcript of the telephone calls between me and the metropolitan Police as is my right. I have asked for my DPA1998 material but so far not been given it...' You also mention matters concerning the vulnerable adults List, and High risk meetings, naming individuals within this request. You also mention 'my grave concerns about the activities of "secret" policing and the issue of 19 December 2007 regarding an application for section 135[1] to Bromley Magistrates emanated from a concerted attack on my family and right to private lives...' You later state ' as I and my family were never informed of this application ...I believe that MAPPA owes us all a big apology and a very large compensation for the grief brought by your actions and activities conducted furtively and in a Stalinist way.' You complete the request with the statement 'Campaigner for Liberty, Truth and Justice'. The MPS neither confirmed, neither denied that personal information was held by virtue of section 40(5) FoIA.*

*On the 13th February 2012 (FoIA Review 2012020002013) you asked the MPS to review its decision in relation to the above request concerning 'who called me Sunday 29 April 2007'. The Review officer upheld the decision to engage section 40(5). In addition, the reviewer advised you that there were already established procedures in place for*

*disclosing personal information which may be held about them which had already been detailed in the original response. You were advised that if people require information held by the MPS which relates to their own information, or information which concerns them, they may wish to make a Subject Access Request. You were further advised that the Freedom of information Act is unfortunately not the route to obtain personal information which may or may not be held by the MPS. You were also provided with a link to the MPS website for advice on making a complaint and the address for the DPS Complaints and satisfaction Team.*

*On 22nd February 2012 (FoIA 2012030000115) you made a request regarding interviewing vulnerable adults. In a series of eight questions you asked for the code of conduct and policy to be placed on the Whatdotheyknow website. I responded to this request by providing a number of links to information which was reasonably accessible by other means (section 21 FoIA) including the primary and secondary investigation of crime SOPs. You were also advised that the request contained a number of questions requiring an opinion and was provided with advice under section 16 FoIA regarding requests for held information as defined by section 84 ( c ) FoIA. In question 7 you ask 'How many complaints against the Metropolitan police and their MAPPAs agents/partners have there been regarding "witness contamination" of a vulnerable adult being repetitively questioned by MAPPAs agents such as social Workers, Nurses, Doctors and Police officers to try and compile a covert case in which the vulnerable adult knows something is going on but is deliberately kept in the dark, and then a case is made without their knowledge or consent?' I advised you that I was unable to locate any relevant information and provided advice under section 16 FoIA that any complaints made against MAPPAs practice would be directed to the strategic management Board.*

*On 27th February 2012 (FoIA 2012020004177) you sought information concerning 'Is it necessary to obtain a Section 136 authorisation under Mental Health Act 1983 [2007] to forcibly remove a person from hospital to a place of safety.' Within this request you enquire 'Who can authorise the removal of a person deemed to be suffering mental issues from a public NHS hospital - and therefore a public place - and forcibly wheeled in a wheelchair out of the hospital and taken whilst still recovering from leg surgery - and so unable to run away - to a different NHS facility operated by a Mental Health Trust and not part of the Acute Hospital... I have asked the Mental Health trust in question whether there was section 136 to remove this person but have not had any response...' The MPS engaged section 40(5) personal information in part and provided you with a link to information already in the public domain concerning the Mental Health act.*

*On 1st March 2012 (FoIA 2012030000182) in a series of questions in which you request 'please provide full details of Metropolitan Police investigations into my mother's death. I am becoming very alarmed about the NON-provision of data by virtually all parties regarding my mother...' This request mentions that you have specifically complained regarding 'Do not resuscitate orders of Bromley Hospitals NHS trust between 30th April 2006 to 3rd July 2006 regarding your mother. The request contains personal details relating to yourself and the witnessing of the taking of a swab from your mother's heel and again mentioning 'who was the person who prescribed the HALOPERIDOL on the night shift of 26/27 June 2006 to my mother?' You further mention 'I hold the Metropolitan Police to account for their actions in regards to my dead mother - whose name is well-known to them as they well know. They are also aware that the DPA 1998 does not apply to dead people as they are no longer alive. They are also aware that the FOIA2000 DOES apply to dead people. And that where there is an allegation of criminal activity that this should be investigated properly. So where are the "4 reviews' of the case as told to me by xxx Metropolitan Police in march 2011 - almost a year ago - that he was satisfied that there was nothing for the police investigate?' The MPS deemed this as a repeated request by virtue of section 14(2) FoIA as records had indicated that the MPS had previously complied with this request on the 22nd and 28th February 2012.*

*On 5th March 2012 (FoIA 2012030000646) you made a request via the public website Whatdotheyknow and addressed to other public authorities on 'decisions made regarding patients SPECIFICALLY held as inpatients on Goddington Ward, Green parks House, Oxleas NHS Foundation trust, captivity/detention under section 2 and/or section 3 of the mental Health Act 1983 [2007].' There were a series of 30 questions relating to - in your words - 'the captivity/detention' of patients at Goddington Ward. I advised you that after searches had been made with Bromley Police the information was not held by the MPS. I also took the opportunity to advise you concerning section 14 - Vexatious requests as I was aware that you had submitted numerous requests on South London Healthcare NHS Foundation Trust Princess Royal University Hospital. You were advised that any future requests on this subject area may be considered vexatious.*

*On 12th March 2012 (FoIA 2012030001605) you made a request for personal information 'ALL my calls and all emails and all correspondence regarding xxx from 2006 to the present day including the Police CAB number in December 2010 - I am disabled and incapacitated with PTSD,ME,CFS and fibromyalgia, and my concentration and memory are problematic for me.' The MPS neither confirmed nor denied that personal information was held by virtue of*

*section 40(5) FoIA. In addition you were again provided with advice on how to make a request under the Subject Access provisions of the Data Protection Act 1988. In this response you were also provided with a copy of the MPS Form 3019 in order to assist you to make such a Subject Access request.*

*On 13th March 2012 (FoIA 2012030001979) you refer to 'Nobody until xxx MPS has advised me - as far as I am aware although I do have major memory and concentration problems which are the nature of my disability and incapacity - that my requests to the Metropolitan Police regarding South London Healthcare NHS Foundation Trust Princess Royal University Hospital may be regarded as vexatious in this subject area...For this prevents me from getting a proper investigation into an alleged CRIME which the Metropolitan Police, specifically Orpington Police on 28 June 2006, refused to investigate it and instead told me to contact the Trust. Then I found the MPS had never even logged my telephone call with the allegation of crime...' You also state 'South London Healthcare NHS Trust actually hold these 4 reviews but has NEVER disclosed them to me, nor the evidence base on which they were based, why not?' You later state within the email '...I specifically require the full identity of the person who prescribed the Haloperidol which SLHT has identified they know but refuse to tell me...why did the MPS not come and talk to my mother'. You conclude 'I felt threatened and harassed by xxx. I seek reassurance that the Police have not recorded me as being vexatious as I wish to protect my reputation.' I responded to your request and provided advice to you that it is the request that is classed as vexatious and not the requestor. I explained that the application of section 14(1) of FoIA to a request is not applied in isolation - but rather a background, history and context of any current and/or previous requests are all relevant considerations which make a request vexatious. Due to the extensive nature of your email which contained a mixture of requests and opinions I divided it into four distinct areas. In respect of part A the MPS engaged section 40(5) FoIA. For Part B links were provided to you regarding the investigations of crime (section 21 FoIA). For Part C I advised you that no information was located and for Part D I deemed this to be a repeated request by virtue of 14(2) FoIA as it was substantially similar to your request reference 2012030000646.*

*I believe that the history and context of your requests as evidenced in this notice indicates a very high volume and frequency of correspondence. Further you are making requests for information, for which you have already been provided with the relevant links, assistance and/or have been advised that the MPS does not hold. In addition, in a number of cases the MPS has neither confirmed nor denied information was held by virtue of section 40(5) FoIA and*



*provided you with advice concerning subject access provisions of the Data Protection Act 1998 and additionally provided you with a copy of a Form 3019 on which a request for personal information could be made.*

*I believe this pattern of requests indicate a clear intention to use the FoIA request to reopen issues that have already been considered by independent investigations, such as the 4 reviews you mention on behalf of the South London Healthcare NHS Trust Princess Royal University Hospital.*

*Do the requests have the effect of harassing the public authority or its staff?*

*ICO guidance for this key question states 'The request must be likely to harass a reasonable person. It is the request itself that is relevant rather than any potential embarrassment resulting from disclosure. Relevant issues here could include a very high volume and frequency of correspondence, the use of hostile, abusive or offensive language, an unreasonable fixation on an individual member of staff, or mingling requests with accusations and complaints.'*

*Since making your request above on the 13th March 2012 the MPS has received 4 new requests for the MPS to review its previous responses as follows: review 2012030002114 (re 2012030000646); review 2012030002279 (re:2012030001605); review 2012030003161 (re:2012020004177) and review 2012030003445.*

*In addition, you have made an additional 13 new FoIA requests which I have referenced at the start of this notice, and will summarise below regarding FoIA 2012030002279, 2012030002303, 2012030002306, 2012030002307, 2012030002530, 2012030002675, 2012030002695, 2012030003328, 2012030003332, 2012030003339, 2012030003344, 2012030003346 and 2012030003598.*

*14th March 2012 - 2012030002695 - In summary requests 'I wish to know why the Metropolitan police refused to give me details of the 7 and 9/10 March 2011 at A and E of South London Healthcare Trust Princess Royal University Hospital and their behaviour in March and April...in regards to me and my whole family...I wish to know to whom to make a complaint as SLHT, Oxleas, LBB, Bromley PCT, LAS and CPS are all closely involved in partnership arrangements...'*

*15th March 2012 - 2012030002279 - In summary requests 'why the police chose to do nothing about an alleged crime when it was reported on 28 June 2006 by me to a person at Orpington Police Station.'*

*15th March 2012 - 2012030002303 - In summary requests xxx's remarks and explanation 'cuts no ice with me' and 'why the police did not investigate xxx's own allegation of assault.' Further states 'the Metropolitan Police is not fit for purpose regarding me, my family and late mother'. Also regarding 'who prescribed Haloperidol to my mother' and 'Camerawork of A and E' and 'MAPPA agencies have been collecting information on me and my family since 28 April 2006.' Request concludes 'I have asked the GMC to investigate this matter'.*

*15th March 2012 - 2012030002306 - In summary requests 'I am raising formal complaint about the "secret" policing by MAPPA agencies regarding me and my family.' Other requests concerning 'why was my sister taken to the Police Station...'*

*15th March 2012 - 2012030002307 - In summary requests 'Please may I have the answers to my freedom of information request to the Metropolitan Police as sent on 12 December 2010...We cannot know the Haloperidol had a deleterious effect on her because the SLHT simply refuse to give us the full details...we do not know why my mother was NOT put in ICU...'*

*15th March 2012 - 2012030002675 - In summary requests ' I am not accepting the MPS view as expressed by xxx or xxx in their responses to me via this public website...I have made enquiry of a public body...who is was that was purporting to be the Metropolitan Police telephoning me on Sunday morning 29 April 2007...How did this person get my telephone number...what was the Police number of the person who talked on a train from Orpington on the morning of 29 April 2007 to someone I know...I wish to know about the FOU incident alleged on 29 April 2007 which did not actually EVER happen...'*

*17th March 2012 - 2012030003328 - in summary requests 'I am making a request for the full Data Request made by xxx on behalf of xxx in 2008 to be honoured...The whole thing between the Metropolitan Police, the London Borough Bromley and its Social Services and Social Workers and NHS from 2006 onwards needs to be appraised regarding me and my mother and my family including my brother and sister...you have sought to destroy us all by your trumpeted up charges'*

*18th March 2012 - 2012030003332 and 22nd March 2012 - 2012030003339 and 24th March 2012 - 2012030003344 - in summary requests appeared to have been addressed to other public authorities concerning the same subject area in connection with personal family matters and also why complaint against the Police was not upheld. The latter being sent from the public website Whatdotheyknow.*

*18th March 2012 - 2012030002530 - in summary states requesting information on MERLIN, MAPPA and MARAC and 'the blurring lines seems to be problematic when police makes mistakes and use the wrong forms saying a person was FOU when in fact they were NOT found at all wandering ... MERLIN and BROMLEY Police ...how do I make specific complaint about such an issue...As I understand it, MAPPA was in force in 2006 in Bromley...include named MAPPA agents and personnel as being NON-personal data as they are public servants or people acting on behalf of the public service...MARAC specifically is shown as including Oxleas...I wish to know how Oxleas should be proposed to be sharing MEDICAL data with Social Services and the Metropolitan Police in 2007 regarding a family member of mine...'*

*24th March 2012 - 2012030003346 - in summary requesting information regarding xxx and the circumstances of her death requesting' police investigate this as a CRIME and please do NOT fob me off with some platitude about xxx is exonerated and he has spoken and the Metropolitan Police will do nothing because Mr xxx, barrister of south London Healthcare NHS Trust has told him that there has been "4 reviews" into the case...The GMC has decided to do nothing...I have never been given the name of the person who prescribed the drug Haloperidol and wish to know who that was so that the GMC can investigate...I have never had the 4 reviews...why not?'*

*27th March 2012030003598 - in summary requesting 'How many RIDDOR Reports/Complaints to the HSE by xxx does the Metropolitan police possess.' Also requesting information about specific incidents 'the prescribing of Haloperidol on the nightshift of 26/27 June 2006 at Princess Royal University Hospital...The Duncato Van of April 2011...the RIDDOR report of 9 may 2011 re events of 7 and 9 March at A and E Princess Royal University Hospital...I demand the right to have the CCTV camerawork of these days...I have specifically requested from SLHT this camerawork...'*

*In FS50374873 the ICO states 'The Commissioner does believe it will sometimes be appropriate to consider the request submitted to other public authorities when assessing whether requests are vexatious, as it is likely to provide a context for the requests.' This is further evidenced by the sheer size and complexity of the correspondence from you, including the copying into the MPS of other public authority complaints. In some cases the correspondence is a complaint against the MPS and the decision made by other departments.*

*I believe that the very high volume and frequency of your emails and the mingling of requests with accusations and complaint is having the effect of harassing staff dealing with your correspondence.*

*Would complying with the requests impose a significant burden in terms of expense or distraction?*

*ICO guidance reminds public authorities that 'You need to look at more than just the cost of compliance here. You should consider whether responding would divert or distract staff from their usual work.'*

*I believe the correspondence as evidenced in this notice has had the effect of diverting staff from dealing with other Freedom of Information requests made by other individuals. At the point where you have made 13 requests I have 21 other FoIA cases in which , as my role involves , I am required to provide FoIA quality assurance advice. These cases have had to be effectively 'put on hold' whilst I deal with your numerous requests around the same subject matter in connection with your personal information and that of your family. This constitutes a significant burden in terms of diversion of staff from other core functions, either at Borough or the Public Access Office. One member of staff in particular has been the recipient of your emails in over 30 occasions. This member of staff has recently, nearly on a daily basis, been trying to assist you to the detriment of other applicants in FoIA matters, thereby distracting her from her usual work.*

*Are the requests designed to cause disruption or annoyance?*

*Requests under the Freedom of Information Act are 'applicant blind' and therefore the reasons for requesting information is irrelevant. However, in order to satisfy this key factor it must be shown that the requestor's intention is to cause disruption or annoyance. ICO guidance reminds public authorities that 'As this factor relates to the actual intention of the requester, it can be difficult to prove. Cases where this is a strong argument will be rare. However, if a requester states that the request is actually meant to cause maximum inconvenience, the request will almost certainly be vexatious.'*

*For these requests and subsequent correspondence I am satisfied that it is not your intention to cause maximum inconvenience to the Metropolitan Police Service or any of its staff.*

*Do the requests lack any serious purpose or value?*

*For this final key factor the ICO guidance states 'The FOIA is not generally concerned with why requesters want information, so an apparent lack of value should not be enough on its own to make a valid request vexatious. However, if you can show a real lack of value this may add weight to arguments under the other headings above. On the other hand, if there is a serious purpose or value behind a request, this may be enough to prevent it being vexatious, even if it imposes a*

*significant burden and is harassing or distressing your staff. If the request forms part of a wider campaign or pattern of requests, the purpose or value must justify both the request itself and the lengths to which the campaign or pattern of behaviour has been taken.'*

*I am mindful that these requests form part of a wider pattern and in essence you are seeking the same information surrounding your own personal information and that of your immediate family and their treatment whilst in the care of a public authority. Examining the requests objectively it can be seen there is a serious purpose and value to these requests. However, it can also reasonably be viewed that the continued pursuit of the issues concerning the treatment of your late mother and that of your immediate family does not justify the continued pursuit of this same subject matter. This view was shared in ICO Decision Notice FS50387841 which states 'The request may have a serious purpose and value in further informing the complainant. However it did not justify the continued pursuit of a matter which had been investigated, albeit not to the satisfaction of the complainant.'*

*This relentless pursuit of this matter is further evidenced by the volume of emails sent on the 1st April 2012 to a member of staff containing graphic personal details concerning your late mother. Within this email you again request 'Please provide full details of Metropolitan Police investigations into my Mother's death. I am becoming very alarmed about the NON-provision of data by virtually all parties regarding my mother. Today I made a FURTHER complaint to the Metropolitan Police via their online template complaining that STILL I have not been given the FULL FACTS. WHY NOT? Why am I still trying to find out what went on almost 5 and three-quarter YEARS later? I need to know what has gone on because by letter of July 2011 the South London Coroner wrote to state that he would not initiate any investigation until he had the FACTS OF THE MATTER.'*

*This correspondence is against a background of independent reviews by different regulatory authorities, the results of which you have been advised of (as can be seen in the emails sent by you to the MPS on the 12th March 2012) which states 'What seems to me to be essential is for the South London Healthcare NHS Trust to give us ALL the data they hold on these matters. They told xxx, Metropolitan Police according to xxx in March 2011 to me, xxx, that there had been "4 reviews" of the case.'*

*I also take note of the fact that in my response to you on the 13th March 2012, concerning your previous requests regarding South London Healthcare NHS Foundation Trust Princess Royal University*

*Hospital, that you have continued to submit numerous requests in this same subject area, which has already been fully considered.*

## Conclusion

*It is recognised there must be a balance struck by public authorities between being open and transparent and identifying those requests which can be determined on its own facts as being obsessive. In FS50421454 (paragraph 37) the ICO states 'The Information Commissioner recognises that at times there is a thin line between obsession and persistence and although each case is determined on its own facts, the Information Commissioner considers that an obsessive request can be most easily identified where a complainant continues with the request(s) despite being in possession of other independent evidence on the same issue.'*

*In FS50286906 the ICO states 'Section 14 of the Act is intended to protect public authorities from those who might abuse the right to request information. The Commissioner recognises that having to deal with clearly unreasonable requests can strain an organisation's resources, damage the credibility of the Act and get in the way of answering other requests'. The Information Tribunal EA/2011/0222 confirms 'Abuse of the right to information under s.1 of FOIA is the most dangerous enemy of the continuing exercise of that right for legitimate purposes. It damages FOIA and the vital rights that it enacted in the public perception. In our view, the ICO and the Tribunal should have no hesitation in upholding public authorities which invoke s.14(1) in answer to grossly excessive or ill-intentioned requests and should not feel bound to do so only where a sufficient number of tests on a checklist are satisfied.'*

*Taking into account all the factors I have mentioned in this notice, including the correspondence between yourself, the MPS and other public authorities, I am satisfied that the application of Section 14(1) to these requests is the correct position to engage. I believe in this case that a decision has been reached which is balanced and recognises that these requests have become voluminous and burdensome on the same subject matter concerning yourself and your family, to which the MPS has previously responded.*

*Whilst I appreciate that this is not the response you would have liked to receive, I hope I have shown that the engagement of section 14(1) in this case has been made objectively, having regard to the full history and context of all your requests to the Metropolitan Police Service".*