

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 March 2016

Public Authority: Regulation and Quality Improvement Authority

Address: 9th Floor Riverside Tower

Lanyon Place

Belfast

BT1 3BT

Decision (including any steps ordered)

1. The complainant has requested information relating to a named residential care home which is regularly inspected by the Regulation and Quality Improvement Authority (RQIA). The RQIA applied the exemptions under sections 36, 40 and 42 of FOIA to the information in the first part of the complainant's request and applied section 14 of FOIA to the second part of the complainant's request.
2. The Commissioner's decision is that the RQIA has correctly applied the above sections of FOIA to the complainant's request.
3. The Commissioner therefore requires no steps to be taken.

Request and response

4. On 21 July 2015, the complainant wrote to the RQIA and requested information in the following terms:
 - (1) "all records surrounding RQIA's consideration of possible cancellation of the registration of the owner of[named home] and the decision not to cancel the owner's registration, to include legal advice received by RQIA in respect of this."
 - (2) "All records surrounding the appointment of [name redacted] as an RQIA inspector, to include the short-listing process, the interview process, how many were short-listed, the make-up of

the interview panel, why [name redacted] was chosen over other applicants, was [name redacted] behaviour while Manager at [named home] available to the interview panel.

The information we had previously sought, and which RQIA has failed to supply, included the following:-

- (a) all records maintained by [name redacted], project manager.
 - (b) all records of all meetings between the Independent Review Team (including its staff) in and around April and May 2014 with officials from DHSSPS and various Trusts when the Independent Report was shared with these organisations and copies were given to them. What was the legal authority which enabled the Independent Review Team to share/disclose the Independent Report with/to these organisations prior to publication and prior to the Report being furnished to the Minister for Health. Such action may well have been unlawful
 - (c) the water-marked copies of the Review report referred to in the minute of the meeting dated 24-3-14 between Glenn Houston and the Independent Review Team.
 - (d) the "list ---- with the other organisations feedback" referred to in [name redacted] email to [name redacted] dated 30-4-14.
5. The RQIA responded to the complainant on 31 July 2015, stating that the information requested in parts 1 and 2 of the complainant's request was exempt from disclosure under the exemptions as set out in sections 36, 40(2) and 42 of FOIA. In relation to the information requested in parts (a) to (d) of the second part of the complainant's request, the RQIA stated that it was now refusing to enter into any further correspondence regarding these matters, citing section 14(1) of FOIA as a basis for this.
 6. On 9 August 2015 the complainant requested an internal review, the result of which was communicated to him on 8 September 2015. The reviewer upheld the original decision.

Scope of the case

7. The complainant contacted the Commissioner on 14 September 2015 to complain about the way his request for information had been handled.

8. The Commissioner has considered the RQIA's application of the exemptions under section 40(2), section 36 and section 42 of FOIA to the withheld information as well as its application of section 14(1) of FOIA to parts (a) to (d) of the second part of the complainant's request.

Reasons for decision

Section 36 of the FOIA

9. Section 36 FOIA provides that,

"Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act-

(2)(b) would, or would be likely to, inhibit-

i. the free and frank provision of advice, or

ii. the free and frank exchange of views for the purposes of deliberation, or

(2)(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

10. The RQIA has applied section 36(2)(b)(i) and (ii) and section 36(2)(c) to part of the withheld information. The Commissioner has considered section 36(2)(b)(ii) first in this case.
11. In determining whether section 36(2)(b)(ii) was correctly engaged by the RQIA, the Commissioner is required to consider the qualified person's opinion as well as the reasoning which informed the opinion. Therefore in order to establish that the exemption has been applied correctly the Commissioner must:
 - Establish that an opinion was given;
 - Ascertain who was the qualified person or persons;
 - Ascertain when the opinion was given; and
 - Consider whether the opinion was reasonable.
12. The information being withheld under section 36 of FOIA consists of records relating to the RQIA's decision not to cancel the registration of the owner of the named care home.

13. The RQIA explained that the qualified person is Glenn Houston, Chief Executive of the RQIA. The qualified person's opinion was that section 36 of FOIA was applicable in this case. It is clear from the RQIA's letters to the Commissioner's office that the qualified person has had direct involvement in the handling of the complainant's requests. The RQIA has provided evidence that the qualified person was involved in the handling of the requests from the start of the process. Therefore although the Council has not explicitly set out what information he had access to, the Commissioner considers that he has had the opportunity to study all of the information being withheld under section 36 of FOIA. Therefore the Commissioner is satisfied that the qualified person would have been familiar with the contents of the records requested when forming his opinion as to whether section 36 of FOIA applied.
14. To summarise the qualified person's opinion is that the ability of the RQIA's staff and others to freely and frankly exchange views in the consideration of decisions such as those regarding a regulated individual's registration would be curtailed by the knowledge that the record of these might be disclosed into the public domain.
15. The qualified person is of the opinion that the withheld information contains preliminary and thus incomplete dialogue and/or records regarding the regulation and registration of an individual and would not necessarily provide an accurate reflection of the RQIA's final position. Disclosure of information which reflects early and incomplete consideration of courses of action would limit the ability of the RQIA's staff to have relevant and appropriate internal consultation.
16. The RQIA explained that during the course of the complainant's requests, discussions were had with the qualified person and it was agreed that section 36 was applicable in this case. These discussions were not however recorded.
17. The relevant withheld information, as stated in paragraph 12 above, consists of records relating to the decision by the RQIA not to cancel the registration of the owner of a named care home. The RQIA has explained that such a decision requires free and frank discussion between staff members and others in order to arrive at a decision which reflects the RQIA's commitment to ensuring quality and safety.
18. The Commissioner is of the view that whilst the process of obtaining the qualified opinion is flawed in that the opinion was reached verbally, the opinion of the qualified person is a reasonable one considering the process by which such decisions are reached within the RQIA.

19. The Commissioner is therefore satisfied that the opinion is reasonable and considers that the exemption provided by section 36(2)(b)(ii) of FOIA is engaged in relation to all of the information being withheld under section 36. Therefore he has not considered the application of the other limbs of section 36 of FOIA but has gone on to consider the public interest arguments for and against disclosure of the information as section 36 is a qualified exemption.

Public interest test

20. As the Commissioner has decided that the exemption is engaged, he has gone on to consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In his approach to the competing public interest arguments in this case, the Commissioner has drawn heavily upon the Information Tribunal's decision in the case of *Guardian Newspapers Limited and Heather Brooke v Information Commissioner and BBC (the Brooke case)*.¹
21. The Commissioner notes, and adopts in particular, the Tribunal's conclusions that, having accepted the reasonableness of the qualified person's opinion that disclosure of the information would, or would be likely, to have the stated detrimental effect, the Commissioner must give weight to that opinion as an important piece of evidence in his assessment of the balance of the public interest. However, in order to form the balancing judgment required by section 2(2)(b), the Commissioner is entitled, and will need, to form his own view as to the severity of, and the extent and frequency with which, any such detrimental effect might occur.
22. Applying this approach to the present case, the Commissioner recognises that there are public interest arguments which pull in competing directions, and he gives due weight to the qualified person's reasonable opinion that disclosure would, or would be likely to inhibit the free and frank exchange of views for the purposes of deliberation.

Public interest arguments in favour of disclosing the information withheld under section 36 (2)(b)(ii)

23. The RQIA has acknowledged that there is a public interest in disclosure for the service users, their families and potential users.

¹ EA/2006/0011; EA/2006/0013

24. The RQIA has also recognised that there are public interest factors in favour of disclosure. These include greater transparency in the process of its deliberations and decision making. The RQIA has also noted the public interest in providing an insight into how the RQIA reviews and concludes its decisions on important matters and holding the RQIA accountable regarding decisions made.

Public interest arguments in favour of maintaining the exemption under section 36(2)(b)(ii)

25. It is now necessary to consider the severity, extent and frequency of the prejudice which the qualified person believes is likely to occur.

The Chilling Effect

26. The RQIA has argued that within its investigation and decision-making processes it is essential that it is able to exchange free and frank views for the purposes of deliberation. It is also essential that it exchanges such views with other organisations and service providers. It has said that if the withheld information were disclosed it would be likely to have a negative impact upon the service providers' frankness and candour when engaging in this process of discussions with the RQIA.
27. It also argued that, if such discussions were limited, the official record of the decision might be impacted negatively likely leading to less robust regulatory records.

Balance of the public interest arguments

28. The Commissioner considers there is a strong public interest in regulators such as the RQIA operating in an open and accountable manner. He considers that greater transparency leads to a better public understanding of the regulatory process and ensures fairness and efficiency.
29. The Commissioner does however consider that the investigatory and decision making processes require free and frank discussion between the RQIA, its internal staff and the regulated service providers. Disclosure of information which would be likely to inhibit the frankness and candour of this discussion would not be in the public interest as in turn it would be likely to have a negative impact upon the efficiency of the investigation and decision-making processes.

30. The Commissioner acknowledges that the RQIA regulates a number of different service providers, not just the care home relevant to the withheld information in this case. Therefore the frequency of the prejudice claimed, if it were realised, would be likely to be significant. It would be likely to limit the frankness and candour of the many service providers the RQIA regulates.
31. In this case, whilst the RQIA did not provide submissions considering the timing of the request, the Commissioner is aware that the independent review report to which the withheld information relates was made publicly available in July 2014. As the review had been finalised at the time of the request, the Commissioner considers that this would reduce the weight he would attribute to the chilling effect arguments presented.
32. The Commissioner considers that the public interest in this case is finely balanced. As the independent review was complete at the time of the request, the Commissioner considers that disclosure of the information withheld under section 36(2)(b)(ii) would be less likely to prejudice the free and frank quality of discussions regarding that particular care home. However, The Commissioner does consider that the frequency of the prejudice in general occurring in this case would be likely to be great, given the many service providers the RQIA regulates and the many internal discussions and consultations it has to have during its investigation and decision-making processes.
33. The Commissioner does consider that there is a strong public interest in disclosure, as the information is relevant to users or individuals connected to users of all service providers regulated by the RQIA. However in this case, although the independent review had been published at the time of the request, the Commissioner also considers that there is a very strong public interest in not disclosing information which would be likely to inhibit the RQIA's future investigation and decision-making processes by inhibiting the frankness and candour of both internal consultations and discussions and service providers' engagement.
34. On balance the Commissioner considers that in this case, the public interest arguments in favour of disclosure are outweighed by the public interest arguments in favour of maintaining the exemption. Section 36(2)(b)(ii) FOIA was therefore correctly applied in this case

Section 40(2) of FOIA

35. Section 40(2) of FOIA provides an exemption for information that is the personal data of an individual other than the requester and where the

disclosure of that personal data would be in breach of any of the data protection principles. Consideration of this exemption involves two stages; first, whether the information in question constitutes personal data and, secondly, whether disclosure of that personal data would be in breach of any of the data protection principles.

Is the withheld information personal data?

36. Personal data is defined by section 1 of the Data Protection Act 1998

("the DPA") as:

"...data which relate to a living individual who can be identified—

(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the data controller or any person in respect of the individual..."

37. In order for the exemption to apply the information being requested must constitute personal data as defined by section 1 of the DPA.

38. The information sought in the request to which the RQIA has applied section 40(2) of FOIA relates to an individual's employment by the RQIA, specifically details of the interview and shortlisting process surrounding this. The Commissioner is satisfied that information relating to an individual's interview and employment procedures is personal data in accordance with section 1 of the DPA.

Would disclosure breach the data protection principles?

39. The data protection principles are set out in schedule 1 of the DPA. The Commissioner considers that the first data protection principle is most relevant in this case. The first principle states that personal data should only be disclosed in fair and lawful circumstances, the conditions of which are set out in schedule 2 of the DPA.

40. The Commissioner's considerations below have focused on the issues of fairness in relation to the first principle. In considering fairness, the Commissioner finds it useful to balance the reasonable expectations of the data subject and the potential consequences of the disclosure against the legitimate public interest in disclosing the information.

Reasonable expectations of the data subject

41. When considering whether a disclosure of personal data is fair, it is

important to take account of whether the disclosure would be within the reasonable expectations of the data subject. However, their expectations do not necessarily determine the issue of whether the disclosure would be fair. Public authorities need to decide objectively what would be a reasonable expectation in the circumstances.

42. The RQIA has informed the Commissioner that employees would not reasonably expect details of their interview and employment procedures to be disclosed to the public, as they would expect the details of these to remain confidential as the interview and shortlisting process is in itself confidential.
43. The RQIA has also informed the Commissioner that the individual in question did not provide consent to the disclosure of these details. The Commissioner has taken this into account in considering the reasonable expectations of the data subject, however refusal of consent is not absolutely determinative in deciding whether such disclosure would be fair.

Potential consequences of disclosure

44. As details and interview processes for the specified individual's post are not routinely disclosed, and the individual has refused consent to disclosure when approached, the Commissioner considers that such disclosure would constitute an unwarranted interference with the individual's privacy and would therefore be likely to cause distress to the individual.

Legitimate public interest in disclosure

45. As per the Commissioner's guidance, details such as shortlisting and interview processes are not normally disclosed unless there is a necessity to disclose them in order to meet a legitimate public interest and where the public interest factors are so strong that they outweigh any detriment which might be caused to the individual.
46. The Commissioner has considered whether any such strong public interest factors are present in this case. The Commissioner recognises that sometimes circumstances exist where there are controversies or credible allegations. In those circumstances there may be a legitimate public interest in disclosure which would outweigh any detriment to the individual.
47. The complainant has explained to the Commissioner that he considers that, as the individual held a public position within a publicly funded

regulatory body, the individual's appointment and interview processes are matters of public interest. The Commissioner appreciates that these are matters which are of great interest to the complainant, and may be of interest to a further limited section of the public, however he does not consider that there is any legitimate interest in disclosing the information to the wider public which would outweigh any detriment caused to the individual concerned.

48. Having taken into account all the circumstances of the case, and having considered the reasonable expectations of the data subject, the potential consequences of disclosure, and any public interest factors, the Commissioner has concluded that there is no legitimate public interest in disclosure which would outweigh any detriment which might be caused to the data subject as a result of disclosure of the requested information. Therefore, disclosure would be unfair and would breach the first data protection principle. Therefore, the Commissioner has concluded that the RQIA has correctly applied section 40(2) of FOIA to the information requested in part 2 of the first part of the complainant's request.

Section 42(1) – information subject to legal professional privilege

49. Section 42(1) of FOIA states that information in respect of which a claim to legal professional privilege could be maintained in legal proceedings is exempt information.
50. Legal professional privilege is a common law concept that protects the confidentiality of communications between a lawyer and client. It has been described by the Tribunal as:

“a set of rules or principles which are designed to protect the confidentiality of legal or legally related communications and exchanges between the client and his, her or its lawyers, as well as exchanges which contain or refer to legal advice which might be imparted to the client, and even exchanges between the clients and third parties if such communications or exchanges come into being for the purposes of preparing for litigation.”
51. There are two types of legal professional privilege. Litigation privilege will apply where litigation is in prospect or contemplated. Legal advice privilege will apply where no litigation is in prospect or contemplated. One of those conditions is that the dominant purpose of the communications must be the seeking or providing of legal advice. Having viewed the information withheld under section 42, the Commissioner is satisfied that the dominant purpose of the communications was to seek legal advice. Therefore the information

withheld under section 42 falls under information subject to legal advice privilege.

52. Another condition concerns the parties to the communication. As the privilege serves to protect communication made for the purpose of seeking or providing legal advice, it primarily applies to communications between a lawyer and their client. In this case the RQIA is the client and has taken legal advice from its lawyers in the context of its statutory functions.
53. The communications in questions must also remain confidential, i.e. that the information has not been shared with any third party on an unrestricted basis. The RQIA has confirmed to the Commissioner that this condition is satisfied regarding the information in question, i.e. the legal advice received by the RQIA in relation to the registration of the owner of the named care home.
54. In light of the submissions provided by the RQIA the Commissioner is satisfied that the information withheld under section 42(1) does attract advice privilege. The exemption is engaged. However section 42 is a qualified exemption which means that it is subject to the public interest test.

Public interest test

55. The public interest test is set out in section 2(2)(b) of FOIA. Information which engages a qualified exemption can only be withheld if,

“in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

Public interest arguments in favour of disclosing the information withheld under section 42(1) of FOIA.

56. The RQIA accepts that there are important public interest factors in favour of disclosure, such as openness and transparency in the public being able to see that the RQIA has taken good quality legal advice in respect of decisions regarding issues such as the registration of the owner of a care home which is regularly inspected by the RQIA.
57. Disclosure of the information would also allow the public an insight into the RQIA's decision-making processes and would inform public debate as to whether the RQIA had acted with standards and shown integrity in an issue which affects vulnerable members of the community.

Public interest arguments in favour of maintaining the exemption in section 42(1) of the FOIA

58. The Commissioner is conscious that against these public interest factors must be weighed the public interest in maintaining the exemption and preserving the protection provided by legal professional privilege.
59. The Commissioner considers that there is a weighty public interest in preserving the principle that a client can consult with their legal adviser in a full and frank manner. The principle allows them to lay out all the factors relevant to the legal issue they require advice on and the lawyer can respond in full to those issues. This may include explaining any weaknesses in their client's position. Without being able to have such frank exchanges it would not be possible for clients to obtain the best legal advice possible and so defend their legal rights. That is why legal professional privilege is considered to be a cornerstone of our legal system.
60. The RQIA has informed the Commissioner that it considers it to be essential that it is possible to have an appropriate and confidential exchange between RQIA and its legal advisers in order to ensure that the RQIA continues to provide quality and safety in its services.

Balance of the public interest arguments

61. When considering the public interest factors in favour of disclosure the Commissioner has noted the value in people having confidence that the RQIA acted lawfully in this matter. The converse of this argument is that it is often when a public authority's actions are challenged in this way that it is most important for it to be able to rely on legal professional privilege so as to obtain the best advice.
62. Other factors that can affect the balance of the public interest include whether the public authority has misrepresented its legal advice in any way, the number of individuals affected by the matter and the amount of public money at stake. The Commissioner cannot give much weight to this argument as there is no evidence that the RQIA has misrepresented its legal advice in any way.
63. In conclusion the Commissioner finds that there is a significant public interest in disclosing information which would help people understand the RQIA's decision-making processes. However, the Commissioner considers that the value in preserving the principle of legal professional privilege outweighs the public interest in disclosure. The RQIA is

therefore entitled to rely on the exemption provided by section 42(1) to withhold the relevant information.

Section 14 – vexatious requests

64. Section 14(1) of the FOIA states that section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious. There is no public interest test.
65. The term “vexatious” is not defined in the FOIA. The Upper Tribunal (Information Rights) considered in some detail the issue of vexatious requests in the case of the Information Commissioner v Devon CC & *Dransfield*². The Tribunal commented that vexatious could be defined as the “manifestly unjustified, inappropriate or improper use of a formal procedure”.
66. The Tribunal’s definition clearly establishes that the concepts of proportionality and justification are relevant to any consideration of whether a request is vexatious.
67. In the *Dransfield* case, the Upper Tribunal also found it instructive to assess the question of whether a request is truly vexatious by considering four broad issues:
 - (1) the burden imposed by the request (on the public authority and its staff);
 - (2) the motive of the requester;
 - (3) the value or serious purpose of the request and
 - (4) harassment or distress of and to staff.
68. The Upper Tribunal did however also caution that these considerations were not meant to be exhaustive. Rather, it stressed the:

“importance of adopting a holistic and broad approach to the determination of whether a request is vexatious or not, emphasising the attributes of manifest unreasonableness, irresponsibility and, especially where there is a previous course of dealings, the lack of proportionality that typically characterise vexatious requests” (paragraph 45)

² GIA/3037/2011

69. The RQIA applied section 14(1) to the requests set out in parts (a) to (d) of the second part of the complainant's requests. The reasoning for this is that this information had been sought before by the complainant on a number of occasions and responses had been provided to him.
70. The Commissioner has identified a number of 'indicators' which may be useful in identifying vexatious requests. These are set out in his published guidance on vexatious requests². The fact that a request contains one or more of these indicators will not necessarily mean that it must be vexatious. All the circumstances of a case will need to be considered in reaching a judgement as to whether a request is vexatious.

Is the request the request likely to cause a disproportionate or unjustified level of disruption, irritation or distress?

71. The Commissioner believes that public authorities must bear in mind that meeting their responsibilities under the FOIA may involve absorbing a certain level of disruption and annoyance. However, if a request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress then this will be a strong indicator that it is vexatious.
72. In his guidance (see paragraph 58) the Commissioner states:

"A request which would not normally be regarded as vexatious in isolation may assume that quality once considered in context. An example of this would be where an individual is placing a significant strain on an authority's resources by submitting a long and frequent series of requests, and the most recent request, although not obviously vexatious in itself, is contributing to that aggregated burden".

The RQIA's position

73. In determining that these requests are vexatious, the RQIA has considered the history and background prior to these requests being made. This included the complainant's previous requests and correspondence and allegations raised by the complainant against individuals. In respect of wider context and history, the RQIA has explained to the Commissioner that the complainant had submitted more than 30 frequent, often overlapping, requests for the same or similar information relating to the Independent Review of the named care home within the last 2 years, 18 of which were submitted between April and November 2014.

74. The RQIA has informed the Commissioner that it has responded to all of the complainant's previous requests, either providing the information requested or applying an exemption or exemptions under FOIA and explaining why. In the event that an exemption has been applied, the RQIA has always conducted internal reviews and sent the results of these to the complainant. However, the complainant has continued to make requests for the same or similar information to the RQIA.
75. The RQIA has stated to the Commissioner that it does not believe that the requests were made with the intent to be vexatious and that they do have some serious purpose or value. However, the effect of the frequent and often repeated requests, when answers have been provided, is vexatious and has caused the RQIA's staff members disruption, irritation and distress. The RQIA considers that further engagement will serve no purpose other than to cause its staff members further disruption, irritation and distress, the levels of which the RQIA considers to be both disproportionate and unjustified.
76. The RQIA also considers that the complainant demonstrates unreasonable persistence in that the RQIA has provided him with consistent answers to his questions, however he continues to repeatedly bring up the same issues.

The Commissioner's conclusion

77. As stated above, the Commissioner's approach is to assess whether the level of disruption, irritation or distress caused to the authority by the request is disproportionate or unjustified, when weighed against the purpose and value of the request. When making the assessment, he has also taken into account the context and history of the complainant's requests, i.e. the wider circumstances surrounding the requests.
78. Having perused all of the complainant's requests regarding the issue of the Independent review, made over the past 2 years, the Commissioner can see that the requests are often for the same or similar information, despite the complainant having previously received a response from the RQIA. When an exemption is applied, and the internal review process has been completed, instead of contacting the Commissioner the complainant has continued to submit the same requests. When information has been provided, the complainant continues to submit requests, stating that he is not satisfied with what has been provided.

79. The Commissioner considers that in this case, the RQIA has been able to demonstrate that it has engaged to a significant extent with the complainant, both verbally and in writing on matters associated with the subject matter of the requests. The Commissioner is prepared to accept that, cumulatively, the RQIA has spent a significant amount of time and resources in dealing with the complainant's information requests, in addition to other correspondence from the complainant.
80. The Commissioner also considers that, based on the evidence available to him, it is reasonable to conclude that the complainant will continue to submit requests, and maintain other contact with the RQIA about the subject matter regardless of any responses provided to the requests in question. All indications are that the complainant wishes to pursue the matter.
81. The Commissioner accepts that the issue of the Independent Review and more specifically the issues within the requests as set out in parts (a) to (d) of the second part of the complainant's request are of great importance to the complainant. He is satisfied that there is a serious purpose and motive behind the complainant making these requests. However, he also considers that there comes a point when the action being taken by the individual in pursuit of his rights under FOIA and the associated burden being imposed on the public authority is disproportionate to the objective that the complainant is attempting to achieve. In the Commissioner's opinion that point has been reached in this case.
82. In this case the Commissioner does not consider that sufficient weight can be placed on any serious purpose served by the request to justify the disproportionate burden of disruption, irritation and distress it imposes on the RQIA and its individual members of staff.
83. Taking into consideration the findings of the Upper Tribunal in Dransfield that a holistic and broad approach should be taken in respect of section 14(1), the Commissioner has decided that the RQIA was correct to find the request vexatious. Accordingly, the Commissioner finds that section 14(1) has been applied appropriately in this instance.

Right of appeal

84. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

85. 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.
86. 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

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