

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 August 2024

Public Authority: East Grinstead Town Council
Address: East Court
College Lane
East Grinstead
West Sussex
RH19 3LT

Decision (including any steps ordered)

1. The complainant requested information from East Grinstead Town Council ("the Council") relating to questions asked at a Council meeting.
2. The Commissioner's decision is that the Council is not entitled to rely on section 14(1) (vexatious request) of FOIA to refuse to comply with the request.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - The Council must issue a fresh response to the request which does not rely on section 14(1) of the FOIA.
4. The Council must take these steps within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 1 February 2024, the complainant wrote to the Council and requested information in the following terms:

“The minutes to the Council meeting 29th January 2024 contains no record of the questions asked, or the answers given during the public question time. The meeting was recorded on Zoom, but that has been redacted also with the public question time removed from the EGTC’s YouTube page.

Please could you provide any and all records of the questions asked and the answers given, including the video recording, of the public questions segment of the Council meeting held on 29th January?

Please also supply any and all internal email and/or written communications, call logs and meeting records/minutes in relation to the questions raised at this meeting that have been held internally or with other internal & external parties.”

6. The Council responded on 16 February 2024 and refused to comply with the request citing section 14(1) (vexatious request) of FOIA as its basis for doing so.

Reasons for decision

7. This reasoning covers whether the Council is entitled to rely on section 14(1) of FOIA to refuse to comply with the request. Details of this section of FOIA can be found in the Commissioner’s [decision notice support materials](#).

The complainant’s position

8. The complainant does not consider the request to be vexatious. In their complaint to the Commissioner they stated that whilst they have previously made requests for information to the Council, the requests were made in the public interest and were not made in an attempt to disrupt or overwhelm the Council. The complainant believes that they have been polite and courteous when corresponding with the Council.
9. The complainant considers the request in this case to be in the public interest as it relates to questions asked at a public Council meeting. They stated that other members of the public have raised concerns on social media about how the Council has responded to the questions. The

complainant believes that by refusing to comply with the request the Council is not being accountable or transparent.

The Council's position

10. The Council considers the request to be vexatious. In its submissions to the Commissioner the Council stated that the complainant is pursuing an extensive campaign against the Council, frequently raising their concerns via social media. The Council provided the Commissioner with a number of screenshots of the complainant's social media posts and links to the complainant's YouTube videos to evidence this.
11. The Council stated that the complainant writes articles for websites, including their own website, where they raise concerns about the Council. It provided the Commissioner with examples of the complainant's articles to evidence this. Furthermore, the Council reported that the complainant sells merchandise containing caricatures of its former Mayor on their website which it evidenced by supplying the Commissioner with screenshots of the merchandise.
12. The Council considers the complainant to have sent an unjustified amount of correspondence which has placed a burden on its resources. It argues that the complainant's correspondence is having a detrimental impact on the Council as it is creating additional work for Council officers. The Council also said that the complainant's correspondence is having a significant impact on the wellbeing of Council staff and Council members.

The Commissioner's position

13. The question for the Commissioner here is whether the complainant's request has the potential to cause a disproportionate or unjustified level of disruption, irritation or distress to the Council. In reaching a conclusion on this question the Commissioner has taken into account the reasoning of the Council, which in summary is that the complainant has pursued a campaign relating to the Council beyond a reasonable level, including that some of their actions have been inappropriate. The complainant argues that their request does have value and serious purpose.
14. Having reviewed the evidence provided by the Council, the Commissioner considers that some of the complainant's behaviour appears to have been calculated to harass and offend people involved with the Council. This includes merchandise that depicts individuals involved with the Council. This reduces the value of the serious cause the complainant may be pursuing.

15. However, the Commissioner considers the request in this case to have a serious purpose and value as the complainant has asked for information relating to a public meeting and the questions asked during that meeting. This information is of a legitimate public interest.
16. Furthermore, whilst the Commissioner is mindful that the Council is a small public authority with limited resources, it appears to him that complying with the request would not be overly burdensome for the Council. The Commissioner also notes that the Council has referred to the complainant having made four information requests prior to the request in question. The Commissioner does not believe that this number of requests in itself represents a significant burden.
17. The Commissioner understands why the Council went down the route of considering section 14(1) in relation to this request given some of the complainant's behaviour towards it. However, the Commissioner's conclusion is that the information request in question does not meet the threshold for him to conclude that it was vexatious. Therefore, the Commissioner's decision is that the Council was not entitled to rely on section 14(1) of FOIA to refuse to comply with the request. At paragraph 3 above the Council is now required to provide a fresh response to the request that does not rely on section 14(1).

Right of appeal

18. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

19. 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.
20. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Ben Tomes
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