

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 September 2024

Public Authority: London Ambulance Service NHS Trust

Address: 220 Waterloo Road
London
SE1 8SD

Decision (including any steps ordered)

1. The complainant submitted an information request to London Ambulance Service NHS Trust (LAS) for information relating to CAD 4368.
2. The Commissioner's decision is that the request was vexatious and therefore LAS was entitled to rely upon section 14(1) of FOIA to refuse it.
3. The Commissioner does not require further steps, as a result of this decision notice.

Request and response

4. On 21 March 2024, the complainant wrote to LAS and requested information in the following terms:

"(1) The date upon which the Trust first become aware of the difficulties encountered by staff when attending the above Code Red assignment;

(2) The date when the Trust first had sight of the relevant Patient Report Form (PRF);

(3) The date upon which the PRF was provided to PHSO;

(4) The date upon which the Trust provided all (or any) of the following specific information to PHSO:

(a) The route to access [redacted], was not obvious or signposted. Neither was it easy to deduce from neighbouring property house numbering or signage on or around the buildings.

(b) The attending Trust personnel had difficulty locating the access to the address once they arrived. This is due to the complexity of the location.

(5) If none of the specified information set out at (a) and/or (b) above was provided to PHSO, please say so;

(6) Provide all relevant documentation in support of answers to each of the above questions."

5. A response was provided on 2 April 2024 in which the request was refused under section 14(1) of FOIA. LAS informed the complainant that it had nothing further to add to previous correspondence, and would not respond to further correspondence, from the complainant, on the same topic.
6. Upon receiving this response, on 2 April 2024, the complainant asked LAS to authorise its solicitors to provide the information. LAS did not respond to this correspondence.

Scope of the case

7. The complainant contacted the Commissioner on 2 April 2024 to complain about the way their request for information had been handled.

8. The Commissioner considers that the scope of his investigation is to determine if LAS has correctly relied upon section 14 to refuse to respond to the request.

Reasons for decision

Section 14(1)- vexatious requests

9. Section 14(1) of FOIA states that a public authority is not obliged to comply with a request for information if the request is vexatious. There is no public interest test.
10. The term 'vexatious' is not defined in FOIA. The Commissioner's guidance¹ suggests that if a request is not patently vexatious, 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.
11. FOIA gives individuals the right of access to official information in order to make bodies more transparent and accountable. As such, it is an important constitutional right. Therefore, engaging section 14(1) is a high hurdle.
12. The Upper Tribunal considered in some detail the issue of vexatious requests in the case of the Information Commissioner v Devon CC & Dransfield². The Tribunal commented that vexatious could be defined as the "manifestly unjustified, inappropriate or improper use of a formal procedure."
13. 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:
 - the burden imposed by the request (on the public authority and its staff);
 - the motive of the requester;
 - the value or serious purpose of the request and

¹ [Dealing with vexatious requests \(section 14\) | ICO](#)

² <https://administrativeappeals.decisions.tribunals.gov.uk/Aspx/view.aspx?id=3680>

- any harassment or distress of and to staff.

The Complainant's view

14. The complainant states they are simply trying to gain answers and that the "questions are not onerous yet remain unanswered."
15. The complainant further suggests that LAS' solicitors provide the requested information, as this would "obviate the assertion of burden" on its staff.

LAS' view

16. It is LAS' view that the complainant has submitted multiple requests and correspondence for information on the same topic, and that it is unable to expend further staff time and resources on this issue.
17. In evidencing this, LAS has provided a table of interactions with the complainant. It confirms that, whilst there have only been three formal FOI requests regarding this topic, there has been considerable correspondence on it, dating back to 2016, which LAS has responded to through its normal course of business.
18. Furthermore, on 22 May 2023, after providing a revised response to a request based on the same topic, LAS informed the complainant that it may consider future requests on the same topic, as vexatious.
19. LAS' reasons for this was due to the "burden created by these ongoing requests, coupled with the very specific nature of the requests." It further explained that it believed it had "fully considered and addressed the issues" raised by the complainant.

The Commissioner's decision

20. In reaching a decision in this case, the Commissioner has balanced the purpose and value of the request against the detrimental effect on the public authority.
21. The Commissioner is keen to stress that it is the request itself that is vexatious and not the person making it.
22. As per the Commissioner's guidance on section 14(1) of FOIA, consideration of the background and history of the request can be taken into account.
23. The Commissioner is mindful that the source of this request, and all the correspondence from the complainant, stems from a distressing experience for them in 2015 and their dissatisfaction with the service they received from LAS.

24. Therefore, the Commissioner is not convinced that any response received from LAS, on this topic, would ease the complainant's upset and dissatisfaction, and thus bring an end to the matter.
25. In terms of whether the serious purpose or value of the request would outweigh any potential unjustified or disproportionate disruption or any distress to LAS; the Commissioner recognises that on face value, the request seems reasonably simply, and that the complainant believes the requests are needed in order to obtain the answers they seek.
26. However, the Commissioner considers that there is very little wider interest in the subject matter, and that LAS has already invested considerable time and resource in responding to requests and correspondence from the complainant, on the same topic. The matter to which the requests relate has also been considered to the PHSO.
27. The Commissioner recognises that LAS has now reached a point where it considers that responding to further requests, on this same topic, would not be an appropriate use of its time and resources. As referenced in paragraph 19, it believes it has provided all the information it can on the subject.
28. On this basis, the Commissioner does not consider that the value or the purpose in the requested information outweighs the burden in compliance with the request, and is therefore satisfied that LAS was correct in its application of section 14(1) of FOIA to refuse to respond to the request.

Right of appeal

29. 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

30. 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.
31. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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