

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

### **Decision notice**

**Date:** 30 September 2024

**Public Authority:** Hartlepool Borough Council  
**Address:** Civic Centre  
Victoria Road  
Hartlepool  
Cleveland  
TS24 8AY

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

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1. The complainant submitted an information request to Hartlepool Borough Council (the council) for financial information.
2. The Commissioner's decision is that the request was vexatious and therefore the council 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

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4. On 8 January 2024, the complainant wrote to the council and requested information in the following terms. For reference, the full document, in which the request was part of, has been reproduced in the Annex at the end of this notice:

"...[redacted] told me Gill Alexander was paid out of a special reserve created 2010 or 2011. So please show me the financial reports where this is shown on yearly reports.."

5. A response was provided on 30 January 2024, in which the council refused the request under section 14(1) of FOIA.
6. Upon receiving this response, the complainant requested an internal review in correspondence dated 14 February and 27 February 2024. The council provided its internal review response on 27 February 2024, in which it maintained its original position.

## Scope of the case

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7. The complainant contacted the Commissioner on 24 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 the council has correctly relied upon section 14 to refuse to respond to the request.

## Reasons for decision

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### 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 guidance<sup>1</sup> 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 & Dransfield<sup>2</sup>. 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
  - any harassment or distress of and to staff.

### **The Complainant's view**

14. The complainant states that they are simply trying to obtain the requested information and that "it is in the public interest."
15. Furthermore, the complainant has expressed concern with being labelled as 'obsessive', 'vexatious' and accused of 'harassing staff'.

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<sup>1</sup> [Dealing with vexatious requests \(section 14\) | ICO](#)

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

### **The Council's view**

16. It is the council's view that the complainant has submitted multiple requests and correspondence for information in relation to the former CEO's pension, and that it is unable to expend further staff time and resources on this issue.
17. In evidencing this, the council has provided a table of interactions with the complainant. It confirms that there has been five formal FOI requests regarding this topic over the past four years.
18. However, the council also explains that there has been considerable correspondence from the complainant, in relation to each request. In evidencing this, it provided the Commissioner with a table showing each interaction in relation to this particular request, ranging from formal responses, phone calls and meetings.
19. The council confirmed that they always try to assist the complainant, including having senior people at the council provide responses, in order to aid the complainant's understanding. In evidencing this, the council provided details of a meeting which took place in July 2024 between the complainant and a senior financial officer, which lasted 2.5 hours.
20. The council maintains that the complainant is using FOIA "inappropriately to further a campaign against Hartlepool Borough Council's senior officers" and that they continue to make "allegations of wrong doing, without any clear or logical basis for doing so."
21. The council further explains that these allegations of 'wrong doing' are having "a detrimental impact" upon their officers' health, and that the subsequent requests and correspondence lead to the "harassment" of its staff.

### **The Commissioner's view**

22. 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.
23. In order to address the complainant's concerns, the Commissioner is keen to stress that it is the request itself that is labelled vexatious and not the person making it.

24. In terms of whether the serious purpose or value of the request would outweigh any potential unjustified or disproportionate disruption or any distress to the council; the Commissioner recognises that there will always be public interest in relation to pensions and payments made to senior council officers.
25. However, 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.
26. Here, the Commissioner considers that the council has already invested considerable time and resource in responding to requests and correspondence on the same topic, and it is clear that answering one request does not prevent further requests and correspondence being received.
27. Furthermore, the Commissioner is aware that this complaint has already been considered by the Local Government and Social Care Ombudsman.
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 the council was correct in its application of section 14(1) of FOIA to refuse to respond to the request.

## **Right of appeal**

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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](mailto:grc@justice.gov.uk)

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

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

## **Annex**

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32. The request set out in this decision notice was part of the following correspondence:

"Tall ships [redacted] said it has not been possible to identify all details of these historical grants. I am sorry but all grants must be accounted for old or new.

As [redacted] said in Hartbeat all grants not used, must go back to Government. This happened in 2020 when Gill Alexander resigned and the appointments panel (sic) payed (sic) her £45,799 loss of office and contribution £71,448 pension. Councillor [redacted] told me Gill will wave her redundancy. I told [redacted] when you resign you are not entitled to redundancy.

[Redacted] told me Gill was paid out of a special reserve created in 2010 or 2011 so please show me the financial reports where this is shown on yearly reports.

Why are we paying off debt accumulated by mismanagement and pay it off from grant monies."