

Freedom of Information 2000 (FOIA)

Decision notice

Date: 10 October 2024

Public Authority: Chief Constable of Cheshire Constabulary
Address: Police Headquarters
Clemonds Hey
Winsford
Cheshire
CW7 2UA

Decision (including any steps ordered)

1. The complainant made five requests between 31 October 2023 and 8 November 2023 for information relating to former Cheshire Constabulary officers. Cheshire Constabulary refused all five requests citing section 14(1) of FOIA.
2. The Commissioner's decision is that Cheshire Constabulary was entitled to rely on section 14(1) for all five requests.
3. The Commissioner does not require any further steps to be taken.

Request and response

4. On 31 October 2023, the complainant wrote to Cheshire Constabulary and requested information in the following terms:

"Please confirm the date that the former Assistant Chief Constable of Cheshire [name redacted], dob: [redacted] declared his business interest in Mansion Housing Limited as Director to Chief Constable [name redacted].

As a point of reference please find attached a copy of former Assistant Chief Constable [name redacted] signed Appointment Form 288a, dated 06/08/2005.

Please confirm whether or not that upon his appointment as Assistant Chief Constable in June 2009 that [name redacted] declared to Chief Constable [name redacted] that his business interest, Mansion Housing Ltd, owned mortgages on some twelve 'investment properties' in Crewe, Cheshire amounting to the value of £1,474,435.00.

As a point of reference please see attached Mansion Housing Ltd 'Abbreviated Unaudited Accounts for the Year Ended 31 August 2009'."

5. On 7 November 2023 the complainant made a request for the following information:

- "the date that former Chief Inspector [name redacted], dob: [redacted] declared his business interest in Mansion Housing Limited as Director to Chief Constable [name redacted] pursuant to Regulation 7 of The Police Regulations 2003. As a point of reference please find attached a copy of the Certificate of Incorporation of a Private Limited Company No. [information redacted]
- The number of Police National Computer (PNC) checks conducted by, or on behalf of, former Assistant Chief Constable [name redacted] between the 1st of July 2005 and the 30 November 2011 broken down on a month by month basis
- The reasons provided by former Assistant Chief Constable [name redacted] for the PNC checks to be processed on a month by month basis for the same period of time
- The number of Cheshire Constabulary Information System (CIS aka Checra) checks conducted by, or on behalf of, former Assistant Chief Constable [name redacted] between the 1st of July 2005 and the 30 November 2011 broken down on a month by month basis
- The reasons provided by former Assistant Chief Constable [name redacted] for the CIS (Checro) checks to be processed broken down on a month by month basis for the same period of time
- The number of Police National Computer (PNC) checks conducted by, or on behalf of, former Chief Inspector [name redacted] between the 1st of July 2005 and the 30 November 2011 broken down on a month by month basis

- The reasons provided by former Chief Inspector [name redacted] for the PNC checks to be processed on a month by month basis for the same period of time
 - The number of Cheshire Constabulary Information System (CIS aka Checra) checks conducted by, or on behalf of, former Chief Inspector [name redacted] between the 1st of July 2005 and the 30 November 2011 broken down on a month by month basis
 - The reasons provided by former Chief Inspector [name redacted] for the CIS (Checra) checks to be processed broken down on a month by month basis for the same period of time
6. On 7 November 2023 the complainant made a request for the following information:

“In accordance with the provisions of The Freedom of Information Act please confirm the date upon which former Assistant Chief Constable [name redacted] was appointed as the ‘Head of Crime’ at Cheshire Constabulary Police Headquarters in Winsford, whilst he was Chief Superintendent.”

7. On 8 November the complainant made a request for the following information:

“[name redacted]:

- The roles, ranks and appointments of [name redacted] from May 1998 following his role as Detective Inspector and head of Cheshire Constabulary’s Central Drugs Unit through to his retirement from Cheshire Constabulary, together with the start and finish dates for each role, rank and appointment.
- The names, ranks and roles of those people who acted as [name redacted] line management from May 1998 through to his retirement from Cheshire Constabulary, together with the start and finish dates for each line manager

[name redacted]:

- The roles, ranks and appointments of [name redacted] from May 1998 following his role as Detective Chief Inspector and head of Cheshire Constabulary’s Headquarters Operations Division through to his retirement from Cheshire Constabulary, together with the start and finish dates for each role, rank and appointment.
- The names, ranks and roles of those people who acted as [name redacted] line management from May 1998 through to his retirement

from Cheshire Constabulary, together with the start and finish dates for each line manager

[name redacted]:

- The roles, ranks and appointments of [name redacted] from May 1998 following her role as Detective Chief Inspector in Cheshire Constabulary's Complaints and Discipline Department through to her retirement from Cheshire Constabulary, together with the start and finish dates for each role, rank and appointment.

- The names, ranks and roles of those people who acted as [name redacted] line management from May 1998 through to her retirement from Cheshire Constabulary, together with the start and finish dates for each line manager

[name redacted]:

- The roles, ranks and appointments of [name redacted] from July 1998 following his role as Detective Inspector in Cheshire Constabulary's Major Crime Unit through to his retirement from Cheshire Constabulary, together with the start and finish dates for each role, rank and appointment.

- The names, ranks and roles of those people who acted as [name redacted] line management from July 1998 through to his retirement from Cheshire Constabulary, together with the start and finish dates for each line manager

8. On 8 November the complainant made the following request:

"[name redacted]:

- The roles, ranks and appointments of [name redacted] from October 2003 following his role as Detective Superintendent and Director of Intelligence for Cheshire Constabulary through to his resignation from Cheshire Constabulary and his move to Greater Manchester Police, together with the start and finish dates for each role, rank and appointment.

- The names, ranks and roles of those people who acted as [name redacted] line management from October 2003 through to his resignation from Cheshire Constabulary and his move to Greater Manchester Police, together with the start and finish dates for each line manager

[name redacted]:

- The roles, ranks and appointments of [name redacted] from May 2004 following her role as Chief Superintendent and head of Cheshire Constabulary's Professional Standards Department through to her resignation from Cheshire Constabulary and her move to Merseyside Police, together with the start and finish dates for each role, rank and appointment.

- The names, ranks and roles of those people who acted as [name redacted] line management from May 2004 through to her resignation from Cheshire Constabulary and her move to Merseyside Police, together with the start and finish dates for each line manager

[name redacted]:

- The roles, ranks and appointments of [name redacted] from June 2006 following his role as Detective Superintendent and head of Cheshire Constabulary's Professional Standards Department through to his retirement from Cheshire Constabulary, together with the start and finish dates for each role, rank and appointment.

- The names, ranks and roles of those people who acted as [name redacted] line management from June 2006 through to his retirement from Cheshire Constabulary, together with the start and finish dates for each line manager

[name redacted]:

- The roles, ranks and appointments of [name redacted] from July 2006 following his role as Detective Chief Inspector in Cheshire Constabulary's Professional Standards Department through to his retirement from Cheshire Constabulary, together with the start and finish dates for each role, rank and appointment.

- The names, ranks and roles of those people who acted as [name redacted] line management from June 2006 through to his retirement from Cheshire Constabulary, together with the start and finish dates for each line manager

[name redacted] (Collar No.: -redacted):

- The roles, ranks and appointments of [name redacted] from January 2005 following his role as Detective Sergeant Assistant Detective Superintendent [name redacted] through to his retirement from Cheshire Constabulary, together with the start and finish dates for each role, rank and appointment.

- The names, ranks and roles of those people who acted as [name redacted] line management from January 2005 through to his

retirement from Cheshire Constabulary, together with the start and finish dates for each line manager

9. On 28 November 2023 Cheshire Constabulary issued a response to all five requests refusing to respond to them citing section 14(1) of FOIA.
10. Cheshire Constabulary refused to conduct an internal review as the request for one was received out of time.

Scope of the case

11. The complainant contacted the Commissioner on 28 March 2024 to complain about the way in which his request had been handled.
12. The Commissioner considers the scope of his investigation is to determine whether Cheshire Constabulary was entitled to refuse the five requests as vexatious.

Reasons for decision

Section 14 – vexatious requests

13. 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.
14. The word “vexatious” is not defined in FOIA. However, as the Commissioner’s guidance on section 14(1)¹ states, it is established that section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress
15. FOIA gives individuals a greater 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.
16. However, the ICO recognises that dealing with unreasonable requests can strain resources and get in the way of delivering mainstream services or answering legitimate requests. These requests can also damage the reputation of the legislation itself.

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

17. The emphasis on protecting public authorities' resources from unreasonable requests was acknowledged by the Upper Tribunal (UT) in the leading case on section 14(1), *Information Commissioner vs Devon County Council & Dransfield* [2012] UKUT 440 (AAC), (28 January 2013) ("Dransfield")². Although the case was subsequently appealed to the Court of Appeal, the UT's general guidance was supported, and established the Commissioner's approach.
18. Dransfield established that the key question for a public authority to ask itself is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress.
19. The four broad themes considered by the Upper Tribunal in Dransfield were:
 - the burden (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).
20. However, the UT emphasised that these four broad themes are not a checklist, and are not exhaustive. They stated:

"all the circumstances need to be considered in reaching what is ultimately a value judgement as to whether the request in issue is vexatious in the sense of being a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA" (paragraph 82)
21. As a background Cheshire Constabulary explained that the complainant was subject to a conduct investigation by the Constabulary in 2000 concerning himself.
22. Cheshire Constabulary explained that the complainant has raised complaints about officers involved in the conduct investigation and an investigation was carried out by the Complaints and Discipline Department which was supervised by the Independent Police Complaints Commission (IPCC), now replaced by the Independent Office for Police Conduct (IOPC).
23. Cheshire Constabulary stated that the complainant has been advised numerous times by the Constabulary and the IPCC/IOPC that there is no

² [Social Security & Child Support Commissioners \(tribunals.gov.uk\)](https://www.tribunals.gov.uk)

evidence of wrongdoing by Cheshire Constabulary and that this was corroborated by the Professional Service Department (PSD) in a case report in January 2019.

"The issues that are raised have already been through a vigorous process overseen by the IPCC and it is clear that this is vexatious, repetitious and an abuse of the process" (SIC)

24. PSD also stated the following:

"I have reviewed the interactions you have had with Cheshire Constabulary over a number of years and the significant number of allegations you have made against many members of staff. A great deal of time and effort has gone into investigating your claims and I am satisfied that the IPCC managed investigation and other complaints to which you refer have given no indication of any criminal or disciplinary offences."

25. Cheshire Constabulary confirmed that all the complainant's previous requests made under FOIA can be linked back to the conduct investigation into him as well as his subsequent complaints about former Cheshire Constabulary officers.

26. Cheshire Constabulary explained that despite the complainant being aware of the outcomes in the early 2000s, there has been following attempts by the complainant to raise them again after he was advised that there was no evidence of wrongdoing.

Value or serious purpose

27. In its response to the complainant, Cheshire Constabulary stated that it believes that the requests have no real purpose and are meant primarily to cause disruption to the organisation. It stated that it believes the complainant is abusing FOIA by making requests to try to reopen an investigation which was initiated around 25 years ago and has long since been concluded.

28. Cheshire Constabulary also stated to the complainant that it believes he is choosing to email the 'Requests Team' as other departments within the force have taken the decision to no longer respond to correspondence. It explained that it is concerned that any further engagement with the complainant as part of this process would only serve to exacerbate the situation with his complaints and thus place a further burden on the public authority.

29. Cheshire Constabulary referred to the Commissioner's guidance which states:

"there may be factors that reduce that value. For example, a request may seek greater transparency over the possible failings of a public authority, or a particularly controversial decision. However, if those matters have already been comprehensively investigated and reports of those investigations are in the public domain, the value in disclosing the requested information is diminished. The value may be decreased further if the matter has been the subject of some form of independent scrutiny."

30. In its submission to the Commissioner, Cheshire Constabulary explained that in this case it does not believe the complainant's request has any value or serious purpose outside of his personal vendetta against individuals. It argued that the fact that the matters have been comprehensively investigated reduces the value of the requests.
31. It explained that complaints relating to this matter were raised by the complainant and he has been provided outcomes of these complaints and investigation via the appropriate avenues. It argued that in this case the matter has been subject to independent scrutiny which decrease the value even further.
32. It also explained that its Human Resources department issued a statement in 2018 stating the following:

"All allegations were formally and thoroughly investigated by the Professional Standards Department (then referred to as the Complaints and Discipline Department). The allegations raised by [name redacted] were investigated fully and all found to be unsubstantiated. The investigation was supervised by the Independent Police Complaints Commission."

"There is no evidence to suggest that the misconduct investigation was carried out in anything but a fair manner. The investigation carried out by the Complaints and Discipline Department was in fact supervised by the Independent Police Complaints Commission."

"The Independent Police Complaints Commission (as they were known at the time) had full view of the investigation and in their final decision letter confirmed the following: "I would like to take this opportunity to assure you that no decision made by the IPCC in respect of your complaints, for which we have had oversight, has ever been taken lightly. I am confident that our handling of matters raised by you, and for which we have jurisdiction according to the legislation, has been proper and able to withstand the highest levels of scrutiny".

33. Cheshire Constabulary explained that its Staff Officer to the Chief Constable also wrote to the complainant in 2021 explaining that he has

already been informed by the Police and Crime Commissioner's Office that they will not be engaging in relation to this matter, which has previously been dismissed by the IOPC and that he will also not be engaging in any future correspondence on the subject.

34. Cheshire Constabulary referred the Commissioner to a previous decision FS50324650³ where the Commissioner found that a complainant's reluctance to accept that no evidence of wrongdoing existed had limited the value and purpose of their request. Cheshire Constabulary argued that this decision notice explicitly applies to the complainant's request where he refuses to accept the outcome of independent investigations.

Harassment or distress to staff

35. Cheshire Constabulary's response to the complainant it explained that in large volumes of his correspondence with the Constabulary the complainant makes unsubstantiated accusations against former members of the Constabulary and that it is clear that the complainant has a personal grudge against those involved into the investigation into the conduct matter over 20 years ago.
36. It also explained that in a significant proportion of the complainant's email correspondence to its 'Requests team' over the last few years, he continues to make unsubstantiated allegations against those who were involved in the investigation into the conduct matter. It stated that the complainant made these allegations despite the fact that he knew these allegations are unfounded.
37. Cheshire Constabulary explained that these allegations date back to decisions made over 20 years ago, and despite these allegations being comprehensively investigated and an outcome of these investigations being provided to the complainant, he continues to target members (and former members) of the Constabulary. Cheshire Constabulary provided the Commissioner with examples of these false allegations in emails sent from the complainant to the Constabulary.
38. In its submission to the Commissioner, Cheshire Constabulary argued that the content of the requests is harassing and targeting former staff and officers. It stated that as 26 years have now passed, all of the named individuals have now left the force and the content of the requests demonstrates that the complainant has gone to great lengths

³ [Freedom of Information Act 2000 \(Section 50\) \(ico.org.uk\)](https://ico.org.uk)

to target these individuals having huge amount of documents relating to them personally yet the origins of these documents are unknown.

Burden

39. In its submission to the Commissioner, Cheshire Constabulary explained that a search of the Requests Team mailbox alone returns over 120 emails generated in relation to the complainant's email address in less than five years and the burden he has placed on the Constabulary is much greater in wider departments.
40. Cheshire Constabulary explained that it undertook a review of its electronic case management systems and this showed that all previous requests from the complainant relate to this topic. It stated that since 2020 alone the complainant has asked in excess of 40 questions relating to the topic of the investigation and these have been considered under FOIA.
41. Cheshire Constabulary explained that the burden is evidenced across the Constabulary, engaging in correspondence with the complainant under FOIA will lead to the complainant attempting to engage with other departments and wider public sector services.
42. Cheshire Constabulary also explained that that the fact this issue relates to decisions taken in the early 2000s and that the complainant continues to correspond with the Constabulary by way of lengthy emails, often with numerous departments and external agencies copied in, suggests this will never stop.
43. Cheshire Constabulary also explained that the complainant has been asked to cease his correspondence with the Constabulary previously, including emails sent on behalf of the Chief Constable and this has not deterred him.

Motive

44. Cheshire Constabulary referred the Commissioner to its original response to the complainant which stated the following:

"You have been communicating with the force on this subject matter since 1998. This has been comprehensively investigated and you have been provided significant disclosure. Despite the outcome of these investigations, you have not been deterred from pursuing your complaints sending emails to members of the force on a regular basis. In regards to PSD Ref [redacted] you were advised on 19th June 2009 by the Chief Constable at the time that we would not be "entering into any further correspondence with you in relation to these concluded matters" and that any further corresponded would not be acknowledged. You

have had warnings from the Legal Services department to cease your correspondence with the force regarding this issue and despite this you continue to send emails to legal services. This suggests that you are making your requests with the intention of causing disruption.”

The Commissioner’s decision

45. In cases where a public authority is relying on section 14(1), it is for the public authority to demonstrate why it considers that a request is a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA.
46. The Commissioner has considered the arguments above and in accordance with his guidance, the Commissioner has taken a holistic and broad approach in this case. He has considered the history of the complainant’s dealings with Cheshire Constabulary and their persistence in seeking information. The Commissioner is mindful that the request in this case, although not obviously vexatious in itself, was made in the context of a series of requests for similar types of information, to which the complainant has received responses.
47. The Commissioner recognises that it is common for a potentially vexatious request to be the latest in a series of related requests submitted by an individual. The greater the number of requests received, the more likely it is that the latest request may be considered as vexatious. This is because the collective burden of dealing with the previous requests, combined with the burden imposed by the latest request, may mean that a tipping point has been reached, rendering the latest request vexatious.
48. It appears the complainant is dissatisfied with the outcome of Cheshire Constabulary’s investigation in 2000 and the Commissioner recognises that the complainant still has private concerns about former Cheshire Constabulary officers.
49. The Commissioner notes that Cheshire Constabulary has explained to the complainant that the issue has been comprehensively investigated and that the complainant has been provided with significant disclosure on the topic.
50. From having considered the particular circumstances of this case, the Commissioner is satisfied that, although the complainant originally had a serious purpose and motive for making a number of requests to Cheshire Constabulary, their requests and correspondence with the Constabulary over a prolonged period of time appear to have developed into a personal campaign causing burden and distress.

51. With respect to the value and purpose of these particular requests, the Commissioner accepts that there is a high likelihood that the complainant is unlikely to ever be satisfied with Cheshire Constabulary's responses. The fact the complainant submitted five requests for information within a nine day period demonstrate this point. The Commissioner is satisfied that providing a response to each request would have continued to prolong correspondence and an unfair burden to Cheshire Constabulary.
52. The Commissioner also accepts that the complainant has been making similar requests since 2020, to which Cheshire Constabulary have provided full responses and to continuously request information on the same topic lessens the value upon Cheshire Constabulary's resources in order to respond to further queries.
53. Having considered the context and history of the request, and the nature of the information within the scope of the request, the Commissioner is satisfied that the requests were vexatious. Therefore Cheshire Constabulary was entitled to rely on section 14(1) of FOIA to refuse the five requests.

Right of appeal

54. 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

55. 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.
56. 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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