

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

### **Decision notice**

**Date:** 28 November 2024

**Public Authority:** Governing Body of Ormiston Academies Trust

**Address:** One Victoria Square  
Birmingham  
B1 1BD

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

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1. The complainant has requested information about the declaration of interest of a named Trustee. Ormiston Academies Trust ('the Trust') relied on section 14(1) of FOIA (vexatious request) to refuse the request.
2. The Commissioner's decision is that the request was vexatious and therefore the Trust was entitled to rely upon section 14(1) of FOIA to refuse it.
3. The Commissioner does not require further steps.

#### **Request and response**

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4. On 10 June 2024, the complainant wrote to the Trust and requested information in the following terms:  

"FOIR - Please could the Cowes Enterprise College provide further details by providing the name of the [REDACTED] that [NAME REDACTED] is a Trustee for."
5. The Trust responded on 14 June 2024. It stated that it was relying on section 14(1) to refuse the request.
6. Following an internal review, the Trust wrote to the complainant on 28 June 2024. It maintained its position.

## Scope of the case

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7. The complainant contacted the Commissioner on 17 July 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 whether the Trust was entitled to rely on section 14 to refuse the request.

## Reasons for decision

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### Section 14(1) – vexatious request

9. The following analysis considers whether the request was vexatious.
10. 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.
11. The word “vexatious” is not defined in FOIA. However, as the Commissioner’s updated guidance on section 14(1)<sup>1</sup> 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.
12. 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.
13. 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.
14. 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)

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<sup>1</sup><https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/section-14-dealing-with-vexatious-requests/>

("Dransfield")<sup>2</sup>. Although the case was subsequently appealed to the Court of Appeal, the UT's general guidance was supported, and established the Commissioner's approach.

15. 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.
16. 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).
17. However, the UT emphasised that these four broad themes are not a checklist, and are not exhaustive. It 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).

### **The Trust's view**

18. The Trust has explained that it considers that the request was specifically motivated to pursue a personal vendetta against the named Trustee and therefore deemed it to have no serious purpose or value other than the complainant's own interests.
19. The Trust explained that the requested information concerning the named Trustee's particular interest was documented and published on its website in 2023, and did include the name of the Trust in question, albeit in acronym form. The interest was also recorded on the Trust's register of pecuniary interests, published on the Trust website in October 2023. This did include the full name of the Trust in question.
20. It explained that the request in this case is the third request from the complainant that relates specifically to the named Trustee, and the work

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

they undertake outside of any work they carry out for the Trust. The Trust stated that the complainant used information they found on the internet to make an FOI request that implied the Trustee was misappropriating public facilities by using a work phone for personal use. The Trust stated that this was factually incorrect and that the Trustee considered taking legal advice at the time. The Trust added that the complainant had also previously made a complaint about the named Trustee.

21. The Trust explained that it has received a high volume of requests and correspondence from the complainant. It provided the Commissioner with a timeline of requests and correspondence received. It explained that since 2018 the complainant had submitted 77 FOI requests, 21 internal review requests, 15 subject access requests and 14 service complaints relating to 11 members of staff.
22. The Trust stated that there has also been a large volume of other communications from the complainant. It explained that at the time of the request, the Trust had received over 120 items of communication from the complainant. The Trust has estimated that dealing with this correspondence has required at least 36 hours of staff time.
23. The Trust added that the nature of the communications has led it to seek legal advice, which has constituted a significant outlay of funds for the Trust, spanning several years. It also stated that the burden of the requests has diverted resources and attention away from the Trust's stated aim which is to provide education services.
24. The Trust explained that there has been a number of communications that have been of an adversarial nature, and at times have caused the Trust concern. The Trust gave examples where the complainant had threatened to make reports to the police, and has reported some individual staff members to external regulatory bodies. The Trust has explained that because of this, the complainant's requests have caused distress and worry for staff.

### **The complainant's view**

25. The complainant does not consider their request to be vexatious and has stated that the Trust appears to be using a blanket approach to refusing their requests.
26. The complainant explained that their request has a serious purpose as they believe that the declared interests for the named Trustee are not correctly recorded and this is not compliant with the Trust's responsibilities as per the Academy Trust Handbook. The complainant

advised that they had also contacted the Department for Education with their concerns.

27. In terms of their focus on the named Trustee, the complainant explained that they have evidence to show that a phone number connected to the Trust was also being used to advertise a business run by the Trustee. The complainant disputes the Trust's statement that they had carried out searches in order to make FOI requests about the Trustee and explained that they had simply looked up an unknown number after receiving a message.

### **The Commissioner's decision**

28. 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.
29. The Commissioner will first consider the burden of the request on the Trust. The request does not appear particularly burdensome in isolation, however, when considered in context of the complainant's other requests and their regular correspondence to the Trust, the cumulative burden can be seen.
30. When considering the motive of the complainant, the Commissioner acknowledges that the reason for the complainant's request can be considered to have a serious purpose and motive. However, from the information provided, it appears to the Commissioner that the relationship between the complainant and the Trust has broken down to a point where the communication is no longer productive.
31. In their correspondence with the Trust concerning the request, and in their correspondence with the Commissioner, it is clear that the complainant wishes to raise concerns about the way that the Trust records the interests of Trustees and the accuracy of these entries. The complainant also wishes to raise concerns about the conduct of the Trustee named in the request. The Commissioner notes that the complainant has already contacted the Department for Education about their concerns, and he considers that this is a more appropriate course of action.
32. From the information provided, the Commissioner considers that the complainant is using FOI requests as a vehicle for raising wider concerns about conduct at the Trust. This is not an appropriate use of FOIA. It is not within the Commissioner's remit to consider complaints about a public authority's conduct outside of its duties under FOIA. The complainant themselves has quoted from previous correspondence with the

Commissioner: "Any concerns with the Trust's performance should be raised with the Trust directly or to the relevant ombudsman or regulator."

33. In terms of distress caused to Trust staff, the Commissioner can understand that the volume, frequency and subject nature of the complainant's requests could be seen to have become adversarial. The Commissioner notes the Trust's comments about some of the requests being focused on particular staff members and threats of reporting some staff members to the relevant regulatory bodies. He agrees that this would cause distress.
34. The Commissioner is mindful that when considering the application of section 14, it is the request itself that is vexatious and not the person making it. However, in such cases it is also important to consider the context of the request and the history of a public authority's relationship with the requester<sup>3</sup>.
35. Having considered the particular circumstances of this case, the Commissioner is satisfied that, although the complainant had a serious purpose and motive for making this particular request to the Trust, their requests and correspondence with the Trust over time appear to have become vexatious.
36. The Commissioner also notes that he issued a decision<sup>4</sup> on a similar case involving the same complainant and the Trust, and finds that the same factors concerning context and cumulative effect also apply in this case. He finds that the complainant's continuing use of FOIA is now placing an unjustifiable burden on the Trust and is causing disruption, irritation and distress.
37. The Commissioner therefore finds that the Trust was entitled to rely on section 14(1) of FOIA to refuse the request because it was vexatious.

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<sup>3</sup> <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/section-14-dealing-with-vexatious-requests/does-the-value-and-purpose-of-the-request-justify-its-impact/#context>

<sup>4</sup> [ic-310030-j9p7.pdf](#)

## Right of appeal

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38. 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)

39. 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.
40. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Keeley Christine**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**