

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 December 2024

Public Authority: London Ambulance Service NHS Trust
Address: Waterloo
220 Waterloo Road
London
SE1 8SD

Decision (including any steps ordered)

1. The complainant has requested information from the London Ambulance Service NHS Trust (the Trust) for information relating to 999 and 111 calls. The Trust deemed the request vexatious under section 14(1) of FOIA. It also refused to provide a response to the complainant, relying on section 17(6) as the basis for doing so.
2. The Commissioner's decision is that the request was vexatious under section 14(1), and that the Trust was entitled to rely on section 17(6) of FOIA to refuse to issue a refusal notice in response to the request.
3. The Commissioner requires no steps to be taken as a result of this decision.

Request and response

4. On 24 February 2024, the complainant made the following request for information to the Trust:

“With reference to your reply stating that you do not have the data requested, it is the responsibility of LAS to ensure that they update their policies in line with changes in legislation. In this case DPA 2018 UK GDPR and FOIA 2000. This came into effect in January 31, 2020, and – alongside the Data Protection Act of 2018 and the PECR - governs all processing of personal data

from individuals located inside the United Kingdom.

LAS has to justify why their staff are applying exemptions that they do not know whether it conforms to LAS policy on calls adheres to UK GDPR. Your CEO is the responsible manager so why don't you ask him.

The rights of the data subjects under UK GDPR, as stated in my previous enquiry, were the answers given to me by the ICO.

For London Ambulance, in order to withhold personal data, data controller must be able to identify appropriate exemption they rely on and justify and document the reasons for relying on that exemption to demonstrate compliance with the data protection legal obligations.

The exemption form that LAS uses is headed "for a copy of a 999 call. Is this document also used for 111 calls? If not what other document is used and please supply a copy. Data subjects, as informed by LAS, also have a right to have copies of their 111 calls.

Are these restriction forms logged going out as well as when they are received?

In my case the ICO explained that in relation to the disclosure of the 999 call it is our view that this should be provided to you.

This is because you were the caller and the information disclosed during communication with the call handler is known to you. I do have a copy of my 999 conversations with the call handler with No Disclosure Restrictions."

5. The Trust did not respond to this request.

Scope of the case

6. The complainant contacted the Commissioner on 16 May 2024 to complain about the Trust's failure to respond to the above request.
7. In line with his usual practice, the Commissioner contacted the Trust on 14 June 2024 in relation to its apparent failure to respond to the request. He asked the Trust to either provide a substantive response to the complainant or, confirm that a response to the request had already been sent and provide him with a copy of that response.

8. The Trust responded to the Commissioner on 20 June 2024, 3 and 7 July 2024 but did not send any further response to the complainant.
9. The Trust provided the Commissioner with background information surrounding the case and confirmed that it was relying on section 17(6) of FOIA in order to not send any response to the request for information.
10. The Commissioner considers that there are two distinct but related questions that he must address, namely:
 - whether the request of 24 February 2024 was vexatious (section 14(1) of FOIA) and, if so,
 - whether it was unreasonable in the circumstances to have expected the Trust to have issued a refusal notice (section 17(6) of FOIA).

Reasons for decision

Section 14(1)– vexatious requests

11. 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.
12. 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.
13. Most people exercise their right of access responsibly. However, a few may misuse or abuse FOIA by submitting requests which are intended to be annoying, or disruptive, or which have a disproportionate impact on a public authority. The Commissioner’s guidance on what may typify a vexatious request stresses that it is always the request itself, and not the requester, which is vexatious. However, a public authority may also consider the context of the request and the history of its relationship with the requester when this is relevant.

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

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) ("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.
15. The Dransfield case 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 UT 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. Rather, it stressed the "importance of adopting a holistic and broad approach to the determination of whether a request is vexatious or not, emphasising the attributes of manifest unreasonableness, irresponsibility and especially where there is a previous course of dealings, the lack of proportionality that typically characterise vexatious requests" (paragraph 45 of the UT decision).
18. Sometimes it will be obvious when a request is vexatious, but sometimes it may not. The Commissioner therefore considers that the key question to consider is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation, or distress. This will usually involve weighing the evidence about the impact on the authority and balancing this against the purpose and value of the request. This should be judged as objectively as possible; in other words, whether a reasonable person would think that the purpose and value of the request are enough to justify the impact on the public authority.

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

The complainant's position

19. The complainant considers that the Trust has provided the Commissioner with false and misleading information and is unable to substantiate, with proof, that their requests are vexatious.

The Trust's position

20. The Trust has provided the Commissioner with a general background to this case and details of why it believes sections 14(1) and 17(6) of FOIA apply in the case.
21. The Trust has explained that the complainant has been pursuing FOIA requests and subject access requests (SARs) under data protection legislation since March 2019, persistently making similar, related, and duplicated requests as well as being a frequent complainer to the Commissioner.
22. The Trust admitted that on some occasions the requests were not handled correctly, and where errors were made it stated that it apologised and tried to put matters right.
23. The Trust explained that it has been difficult managing requests from the complainant because they have mixed FOIA requests and SARs with lengthy commentary on how they believe their requests should be handled. The Trust indicated that this included criticism, often of a personal nature, of its staff.
24. The Trust stated that the complainant regularly emails its CEO and Chair with their requests and complaints, and takes up a disproportionate amount of senior management time. The Trust explained that the complainant has refused to channel their requests through a single point, which it says would help the Trust keep track of their multiple emails.
25. The Trust advised the Commissioner that it had offered to meet with the complainant, but the complainant had advised that they would only attend if they were paid £150 an hour and the venue was at a hotel to be paid for at the expense of a staff member at the Trust.
26. The Trust explained that the complainant's request in February 2024 is a typical example of the complex requests they make, which it says is often a mixture of commentary and opinion with requests for information embedded within them.
27. The Trust has advised that an overview of the complainant's case was given in its letter to the complainant dated 3 May 2023, in which it set out the history of the complainant's involvement with the Trust and the

many responses provided by the Trust to answer the complainant's questions. Specifically, the Trust provided the following chronology of its correspondence with the complainant in its letter to the complainant of 3 May 2023 that:

- On 25 March 2019 – the complainant submitted a SAR for the 999 call they made to the Trust's call centre – there was an exchange of correspondence between the complainant and the Trust about whether this request was a complaint, FOIA request or a SAR. The information was provided to the complainant on 18 April 2019.
- On 14 June 2019 – the complainant submitted a complaint to the Chief Executive about the delays in receiving the full information. The complainant questioned "whether you have the right management qualifications and skills to do the job that you are employed to do," and threatened "private prosecutions against the responsible senior manager".
- There was further correspondence between the complainant and other members of the Trust about the status of the request and the Trust's processes.
- On 31 July 2020 – the complainant submitted an FOIA request for the Trust's processes for complaints and SARs, and the role of the Head of Patient Experience. The matter was referred to the Commissioner³ on 21 August 2020 and the Trust partially responded to the request on 24 November 2020.
- On 28 January 2021 – the complainant contested the Trust's response to their request of 31 July 2020 at some length.
- On 25 March 2021 – the Trust provided the outcome of its internal review, providing further information the complainant had requested including job descriptions.
- On 15 April 2021 – the complainant wrote to the Trust as they were unhappy with its response, largely covering the same ground as before.

³ This chronology spans the terms of two Information Commissioners. The term "the Commissioner" in this chronology therefore refers to the previous Information Commissioner (Elizabeth Denham) for correspondence before 3 January 2022, and the current Information Commissioner (John Edwards) for correspondence after 3 January 2022.

- On 29 April 2021 – the Trust was informed that the Commissioner had accepted a complaint about the handling of the request of 31 July 2021.
- In May 2021 – the Trust received further lengthy correspondence from the complainant. Emails from the complainant were being sent to multiple addresses in the Trust. As the Trust was losing track of the emails, it asked the complainant to respond to a single email inbox and told that their emails to other addresses would not be responded to.
- On 15 September 2021 – the Trust sent the complainant a letter apologising for the delays in their case and the confusion as to whether it was a SAR or a complaint. The letter set out the learning from the case and offered a meeting with the Trust Chair, which was never taken up by the complainant. It also answered the complainant's outstanding requests from 26 July, 5 August, 8 August, and 29 August.
- On 4 November 2021 – the Trust responded to a further complaint the complainant had submitted to the Commissioner, apologising for the delays in responding to the complainant's requests but concluding that the Trust had released all of the information held under the scope of the request. The analysis of the complainant's case covered 14 pages.
- On 20 December 2021 - the Trust received a decision notice⁴ from the Commissioner in relation to the request of 31 July 2021, stating:

“By 26 November 2021, the complainant accepted that there was no further information to provide.

Therefore, the Commissioner considers the scope of this case to be the various procedural matters that occurred during the course of LAS's responses to the request.”

The Commissioner found that the LAS had been at fault in three ways:

- Section 1, failure to provide information held

⁴ <https://ico.org.uk/media/action-weve-taken/decision-notice/2021/4019339/ic-102997-f5d1.pdf>

- Section 10, delays in response
- Section 17, failure to provide a refusal notice explaining the exemptions relied upon and explain why they apply

The ICO concluded:

“The Commissioner considers that this request [the request of 31 July 2021] was poorly handled by LAS originally and resulted in the complainant having to show tenacity and persistence in obtaining the information [they] had requested and to which [they were] entitled. Though late in the day, LAS has been very cooperative and engaged with the Commissioner’s investigation. LAS has carried out a detailed analysis which highlighted where inaccurate responses or non-responses had been provided to the complainant. The Commissioner acknowledges that LAS has recently worked diligently to rectify the breaches that occurred and is confident that this will continue.”

- On 18 January 2022 – the complainant submitted a new FOI request, asking 14 questions about the restrictions that had been placed on them where they were asked to submit FOI requests via the legal services email address.
- On 27 January 2022 – the complainant wrote again to the Trust’s FOI email address asking 16 questions on the same topic.
- On 7 March 2022 – the Trust received a letter from the Commissioner stating that the Trust had not responded to the request of 18 January 2022 and to do so within 10 working days.
- On 18 March 2022 – the Trust sent the complainant a response to the request of 18 January 2022.
- On 27 April 2022 – the complainant submitted a further FOIA request asking a number of questions about the Trust’s legal department and legal expenditure.
- On 4 July 2022 – the Trust sent a response to the complainant addressing the questions asked in January, largely by restating previous answers.
- On 19 August 2022 – the Trust wrote to the complainant providing further information as requested by the Commissioner. In relation to this request, the Trust noted to the complainant that the Commissioner had written to the Trust in November, following further contact from the complainant, stating that although the

Trust was late, it was satisfied the Trust had provided all the relevant information.

- On 29 October 2022 - the complainant submitted another FOIA request asking the conditions under which a data subject can request and receive a copy of their telephone conversations with the call handlers at LAS emergency 999 call centre and 111 calls.
 - On 14 November 2022 – the Trust responded noting the question was very similar to several other requests, so where it had supplied information previously it did not send it again.
 - In November 2022 - the Trust supplied the complainant with the job descriptions of the legal services team.
28. The Trust also stated in its letter to the complainant dated 3 May 2023 that it would "...apply an FOIA s.14(1) exemption to further requests where we believe them to be vexatious." The Trust also said: "We are no [sic] under obligation to respond to your correspondence unless it requires a formal response under legislation and will not be responding to further commentary from you, or requests that your views are submitted to various parties."
29. The Trust has referred the Commissioner to his first involvement with the complainant and the Trust in 2021, and again in 2022. The Trust has also referred to the Commissioner's most recent decision notice issued on 11 January 2024⁵ in which he advised in the "other matters" section that, based on the information provided to the Commissioner, he considers that the Trust's approach to considering further requests as vexatious would be reasonable. However, the Commissioner notes that the decision notice issued was not in relation to the application of section 14 to that particular request.
30. In the Trust's submission to the Commissioner, it has confirmed that it has previously refused a request under section 14 in its email to the complainant dated 29 January 2024, responding to a previous request for information dated 25 January 2024. A copy of this request can be found at annex one of this decision notice. The complainant did not raise a complaint with the Commissioner about this response.

⁵ <https://ico.org.uk/media/action-weve-taken/decision-notices/2024/4028010/ic-262548-m1f3.pdf>

31. The Trust stated that since its email to the complainant on 29 January 2024, the complainant has continued to submit requests on the same topics as follows:
- 2 February 2024 - a long email copied to the CEO and Chair revisiting procedural issues over responses issued in 2022 and 2023.
 - 5 February 2024 - a further long email asking similar questions.
 - 24 February 2024 - a further long email covering the same ground.
 - 1 March 2024 - a further email to Patient Services asking similar questions.
 - 11 March 2024 - an email to the Chair and CEO.
 - 17 April 2024 - an email to the CEO and Patient Services.
 - 21 April 2024 - a further email to the CEO and Patient Services.
 - 23 April 2024 - an email to the Trust's Data Protection Officer
 - 3 June 2024 - a further email to the FOI office
 - 2 October 2024 - an email to the Chair.
32. The Trust has explained that the complainant submits requests to a number of different areas, it is therefore possible that it has received further correspondence in addition to that listed in paragraph 31.
33. The Trust has argued that as the Commissioner has previously found that it has given the complainant all the SAR and FOIA information it can reasonably be expected to provide, it considers that the complainant's continued persistence in submitting requests is intended to be annoying, disruptive or have a disproportionate impact on it and that those requests are therefore vexatious.
34. The Trust stated that the complainant has already consumed considerable time and resources that could be better directed at individuals that are likely to benefit.
35. The Trust has argued that it is unreasonable to expect it to serve a further section 14 notice to this new request dated 24 February 2024. It stated that the volume of correspondence it has already received from the complainant demonstrates that issuing a further section 14 notice will contribute to the administrative burden already incurred, and is unlikely to produce any benefit in terms of satisfying the complainant.

The Trust believes that the less it engages with the complainant, the more likely it is that they will stop their vexatious correspondence, and it has a duty to minimise the burden the complainant is placing on the Trust's service.

The Commissioner's findings

36. In cases where a public authority is relying on section 14(1), it must demonstrate why it considers that a request is a disproportionate, manifestly unjustified, inappropriate, or improper use of FOIA.
37. The Commissioner is mindful that both the Trust and the complainant are fully aware of the background and history leading up to this request.
38. The Commissioner has carefully considered the information available to him, including the Trust's submissions and the complainant's grounds of complaint, in reaching his decision in this case.
39. The Commissioner acknowledges the context of the request and the complainant's sense of grievance over the handling of their 999 call made in 2019. However, he is also conscious of the evidence provided by the Trust that the complainant has made numerous requests for information about this matter.
40. He has also viewed the complainant's other cases submitted to the ICO to verify their relevance to the current complaint. However, the Commissioner wishes to emphasise that this decision notice is based on the evidence provided in this case.
41. Having been made aware of the background, history and context of this request, the Commissioner is satisfied that there is no wider benefit to the general public that would flow from the Trust responding to the complainant's request of 24 February 2024. Whilst he acknowledges the complainant's position, the Commissioner is satisfied that the matters which resulted in the complainant's request have been fully considered by the Trust and that the Trust has provided all the information relating to those matters. The complainant therefore appears to be attempting to 're-open' matters that have already been thoroughly considered, therefore diverting the Trust's resources in the hope that they might find something to further their personal aims.
42. In summary, the Commissioner is satisfied that this request can be traced back to the complainant's underlying dispute with the Trust, i.e. the handling of their 999 call made back in 2019.
43. That matter has been responded to and it was made clear to the complainant on 3 May 2023 that further FOIA requests about their underlying case would be treated as vexatious.

44. Despite this, the complainant has persisted in sending further communications to the Trust about this matter. It therefore seems apparent that the complainant appears determined to continue to submit FOIA requests about their underlying grievance, despite having been advised that they will be treated as vexatious and will not be responded to.
45. The Commissioner is satisfied that continuing to interpret and respond to the complainant's requests about their underlying grievance would constitute an oppressive burden, which the Commissioner deems is not of sufficient value to the public interest.
46. The Commissioner notes that the Trust explained to the complainant that, to avoid the risk of missing future legitimate requests, all their requests are directed to one email address to evaluate them. Therefore, the Commissioner accepts that the Trust has taken reasonable steps to ensure that the complainant is not unfairly disadvantaged.
47. As part of his consideration, the Commissioner has balanced the grounds for the complainant's grievance and the impact of interfering with their right of access to information, against the impact on the Trust's resources if it was obliged to respond to the request.
48. He attaches significant weight to the Trust's argument about the impact on its resources as a result of the pattern of the complainant's behaviour in this case. He also notes that the complainant's request is a mixture of requests for recorded information, and requests for explanation, the latter of which fall outside the scope of FOIA.
49. Based on the evidence provided in relation to this complaint, as well as taking into account the historic background of the request, including the protracted and voluminous communication with various departments of the Trust, the Commissioner is satisfied that the request of 24 February 2024 was vexatious and that the Trust was therefore entitled to rely on section 14(1) of FOIA to refuse it.

Sections 17(5) and 17(6) - refusal notice

50. Section 17(5) of FOIA requires a public authority that wishes to refuse a request as vexatious to issue a refusal notice stating that fact within 20 working days.
51. However, section 17(6) of FOIA contains an exception to this rule. It states:

“Subsection (5) does not apply where –

- (a) the public authority is relying on a claim that section 14 applies,
- (b) the public authority has given the applicant a notice, in relation to a previous request for information, stating that it is relying on such a claim, and
- (c) it would in all the circumstances be unreasonable to expect the authority to serve a further notice under subsection (5) in relation to the current request.”

Was the Trust obliged to issue a refusal notice?

- 52. As set out above, section 17(6) of FOIA allows a public authority to not issue a refusal notice where three conditions are met.
- 53. In relation to the first condition, the Trust has relied upon a position that the request of 24 February 2024 is vexatious. As explained above, the Commissioner is satisfied that the Trust was justified in doing so.
- 54. The second condition has also been met as the Trust had informed the complainant on 29 January 2024 that their request of 25 January 2024 was vexatious in accordance with section 14(1) of FOIA. It had also advised the complainant in its letter of 3 May 2023 that it would apply section 14(1) to any future FOIA requests associated with the complainant’s underlying grievance and that those requests would not be responded to.
- 55. Finally, the Commissioner must consider whether the third condition was met, namely whether it would have been unreasonable in the circumstances to have issued a fresh refusal notice.
- 56. The First Tier Tribunal in *Scranage v Information Commissioner EA/2020/0153*⁶ cautioned against assuming that the mere passage of time would materially affect whether or not a public authority may continue to rely on section 17(6) of FOIA. The Tribunal noted that the purpose of this part of the legislation was designed to protect scarce public resources from individuals who repeatedly abuse their right of access.

6

[https://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i2757/Scranage,%20Kevlin%20\(EA.2020.0153\)%2029.01.21.pdf](https://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i2757/Scranage,%20Kevlin%20(EA.2020.0153)%2029.01.21.pdf)

57. The Commissioner notes that, despite the Trust's explanation in its letter of 3 May 2024 that it will not respond to further FOIA requests from the complainant, the complainant continues to send correspondence to the Trust on the subject of their underlying grievance.
58. The Commissioner agrees that, in the circumstances, it would have been unreasonable to have expected the Trust to have issued a further refusal notice. Refusing the earlier request as vexatious had clearly not brought matters to a close and the Trust is therefore entitled to draw a line under the matter.
59. Continuing to issue further refusal notices would, in the Commissioner's view, only serve to prolong the correspondence further whilst diverting the Trust's staff away from their core functions. In other words, the time spent on repeatedly informing the complainant that their requests were vexatious would itself be a disproportionate use of the Trust's resources.
60. The Commissioner is therefore satisfied that the Trust was entitled to rely on section 17(6) of FOIA to not issue a refusal notice.

Right of appeal

61. 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

62. 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.
63. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Pamela Clements
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex one

1. A copy of the complainant's request for information to the Trust dated 25 January 2024:

"As the DPO responsible for logging and replying to FOI requests/SARs under the DPA 2018 (UK GDPR) and FOIA 2000, you have not logged my request or submitted the information requested in my email dated 15 November 2023.

LAS Policy on FOI "Right of Access to Information" clearly states the rights to request and access this information, subject to some exemptions which the Trust has to take into consideration before deciding what information can be released. As LAS has not identified or applied any exemptions, could you please inform me as to why you have totally ignored this FOI request.

Document [reference number redacted] (enclosed) shows that an FOI was raised on 26/04/2022 and totally ignored by LAS even when the ICO wrote to LAS on 29 November 2022.

ICO - Case Reference: [reference number redacted]

Dear [complainant's name redacted]

This case reference has been set up to address your information request dated 27 April 2022 (copy attached). I have contacted the trust today to request that it responds within the next 10 working days i.e., by 13 December 2022 no later. If it fails to respond, please let me know and I will take further action.-

TOTALLY IGNORED BY LAS.

On 15th November 2023, I raised this FOI request again and only got a partial reply from [name redacted], who then went on to make the statement below.

[name redacted] on 20 November 2023 stated in his email to me "**I will repeat again we have dealt with all the FOI issues you have raised in relation to this matter and your continued correspondence is vexatious**". This is a false accusation that he cannot support with proof. He stated that he is responsible for "DPA 2018 UK GDPR" and FOIA 2000 policies within LAS. When asked "whether LAS considers its own policy on calls adheres to the UK GDPR", he does not reply despite multiple requests.

I requested [name redacted] to carry out an investigation which he refused to do. I am now progressing this case.

I will not correspondence with this manager as he has demonstrated time and time again and, in my view, lacks the understanding, application and working knowledge of DPA 2016 GB GDPR and FOIA 2000 legislations.

As you have clearly demonstrated with the FOI request from [name redacted], LAS standards and the correct procedure that is followed when replying to an FOI/SAR request. This should apply to every request from data subjects and, in my view, it is your responsible as the DPO to address all such requests and not have Senior Managers who do not have a working knowledge of the legislation, interfering, taking over responsibility of the request/s, not answering or logging FOI and SARs and not providing the data within the statutory time period.

In the public interest I asked you to provide me with the information requested below 1-3. If you do not know the answers ask your CEO as it was under his watch that [name redacted], who described herself, at the time, as [job title redacted], was assigned to represent [name redacted]. I understand that she is now Head of [department redacted]!

[name redacted] stated "[name and job title redacted] at the Trust, we consider that we have complied with your Freedom of Information ("FOI") request and Subject Access Requests ("SAR") in full. The findings of [name and job title redacted], in her FOI investigation showed both these employees could not support their statements with proof and a considerable amount of information was withheld. This remaining data was then fully supplied by [name redacted] as requested by the ICO and this was accompanied by an unreservedly apology.

ICO Case Reference: [reference number redacted] and Decision Notice

As you have not responded within the statutory response period, or given a reason for the delay, I will now complain to the ICO."

2. The Commissioner understands that "the information requested below 1-3" is in relation to the following request for information the complainant submitted to the Trust on 15 November 2023:

"This is a FOI Request.

Please log this as the requirement under the FOIA, give me a reference number and acknowledge this request.

My name is [name redacted] and my email address is [email address redacted].

Your FOI - Ref: [reference number redacted] for [name redacted].

Looking at the web site "What do they know" in answer to [name redacted] FOI Request "For every financial year starting from April 2016 onwards, can you please tell me what your total spend was on **external legal services / advice** and to include any payments you made to current or ex-staff as a result of claims brought against your Trust? The answer you provided to him on 25/08/23 was as follows :-

(FY) Financial Year Amount 2016/17	£348,702.65
	2017/18 £1,013,672.60
	2018/19 £663,548.63
	2019/20 £1,072,509.14
	2020/21 £ 33,289.80
	2021/22 £870,928.15
	2022/23 £769,763.85

On 26/02/2022 a FOI request was raised for the following information. This was acknowledged by LAS FOI.

LAS uses **Hill Dickinson LLP on a regular to obtain legal advice.**

a) Over the past 5 year period how much fees were paid to this company and what areas of law did this cover – on a yearly basis.

b) Over this period how much was LAS charged for advice regarding the FOIA and DPA - on a yearly basis.

c) How much was LAS charged for the advice given to Ms. Scott on DP and FOI issues.

This is the answer I received from LAS (London Ambulance Services NHS) very recently.

18/19 £98,688.00

19/20 £115,750.50

20/21 £268,566.66

21/22 £94,257.66

22/23 £140,551.38

There is a substantial difference for the Year 20/21.

1. Could you please explain why these figures differ so much.
2. There is a certain level of management that can request such advice to assist them:-
 - a. What level of management have this authority and how many are there within LAS.
 - b. Can you please identify these managers, if possible, if not in which departments are they located.

Are these managers allocated a source code to identify them. If so, can each manager be easily identified on how much they spend each year. If not how can they be identified.

What is the budget that each of them are allocated if any. If not is it a "bottomless" budget.

What is the total budget on a yearly basis for each year and how is this arrived at.

Is this budget audited by your external auditors. In not, why not.

Is this budget prepared by your Financial Manager, if not then by who.

Is the final budget seen and approved by your CEO. Does he also approve of any budgets that are forecasted for the future years.

Apart from **Hill Dickinson LLP** are there any other legal companies that LAS uses, if so could you please name them.

3. I have addressed budgets that are allocated to managers to help them, what I do not see on LAS website are:-

1. Where LAS has a failing senior manager, the allocation of an internal solicitor to represent him/her to deal with the data subject making the FOI request rather than the existing manager who's responsibility it is.

- a. Who has the authorization to do this.
- b. Where are the costs allocated to cover this expense. We are looking at the costs of all the employees involved in this project from the FOI team, the identified manager, DPO manager, input of the CEO etc.
- c. Who signs off this costs.
- d. Who else within LAS are told about this allocation. Is the Chair made aware of this?
- e. Is this allocation of a solicitor as above legal within LAS, if not why not. If it is legal, please send me the documentation that makes it legal.”