

# Requests about previous information requests (meta requests)

Freedom of Information Act

Environmental Information Regulations Act

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## Introduction

1. The Freedom of Information Act 2000 (FOIA) gives rights of public access to information held by public authorities.
2. The Environmental information Regulations (EIR) give rights of public access to environmental information held by public authorities.
3. Overviews of the main provisions of FOIA and the EIR can be found in [The Guide to Freedom of Information](#) and [The Guide to the Environmental Information Regulations](#).
4. This is part of a series of guidance, which goes into more detail than the guides, to help public authorities to fully understand their obligations and promote good practice.
5. This guidance advises public authorities how to deal with requests about previous information requests (meta requests).

## Overview

- Meta requests do not have special status under the Act and an authority should treat them in the same manner as any other information request.
- Meta requests are not the same as internal reviews. It follows that an authority should not refuse a meta request because it has already carried out an internal review, or refuse to carry out an internal review because it has already complied with a meta request.
- There is no specific provision within FOIA or the EIR to refuse a meta request on the grounds that an exemption was applied in response to the original request. If the information is still exempt at the time of the meta request, then an authority will need to apply the relevant exemption (or exception).
- Where an authority has applied the Section 36 FOIA exemption to a meta request, the public interest arguments in favour of maintaining the exemption should focus on the consequences of releasing the information the authority wants to withhold.
- There is a public interest in increasing the transparency of the request handling process.

- Any information about the requester's own personal data is exempt under Section 40(1) of the Act and an authority should deal it with under the subject access provisions of the Data Protection Act.
- Where an authority regards a meta request as vexatious, it should consider the matter under Section 14 of FOIA (Regulation 12(4)(b) for the EIR).
- If an authority is concerned about the costs of dealing with a meta request, it should consider this under Section 12 of FOIA (Regulation 12(4)(b) for the EIR).

## What we mean by a meta request

6. A meta request is a request for recorded information about the handling of a previous information request, for example:

*'I would like copies of any information you hold concerning your handling of my recent Freedom of Information request.'*

*'Please provide me with copies of all internal correspondence about the processing of my Freedom of Information request of 11 February 2014'.*

*'Can you please send me copies of the documents showing how you dealt with my Environmental Information request.'*

7. Meta requests do not have any special status under FOIA or the EIR, nor are there any specific exemptions (or exceptions) for this type of request. This means that an authority should treat meta requests in the same way as any other information request.
8. This was confirmed by the High Court in [Home Office and Ministry of Justice v Information Commissioner's Office](#) ([2009] EWHC 1611 (Admin), 6 July 2009) when it stated;

*'It is important to emphasise that information about how previous requests were handled is not accorded any special treatment in the Act. There is no provision in the Act which specifically permits requests about such information to be refused...The Information Tribunal ("the Tribunal") recognised that when it said in its decision in this case that "Parliament*

*intended that meta-requests should be dealt with in the same way as any other requests otherwise Parliament would have provided for this, which in our view they have not done so”.*  
(Paragraph 4)

## Meta requests and internal reviews

### **The distinction between a meta request and an internal review**

9. When a requester makes a meta request, they are exercising their **right of access** to the recorded information an authority holds about the handling of the original request. This is distinct from a request for internal review, which is a **complaint** about how the authority dealt with the original request.
10. This means that the internal review process should not be viewed as the equivalent of, or a substitute for, a meta request.
11. It follows that an authority should not refuse to comply with a meta request on the grounds that it has already carried out an internal review, or refuse to carry out an internal review because it has already complied with a meta request.

### **Practical approach to dealing with meta requests**

12. Requesters often submit meta requests because they are dissatisfied with the manner in which the original request was handled.
13. There is nothing to prevent an authority from asking a requester if they would prefer the request to be dealt with as a complaint, if it has reason to believe that:
  - the requester is unhappy with the response to the original request; and,
  - their concerns could be better addressed through its complaints procedure.
14. However, if an authority intends to offer this option it should do so promptly. This is because it will remain under an obligation to comply with the meta request unless the requester gives explicit consent for it to be treated as an internal review.

15. If a requester replies that they want an internal review **and** a response to the meta request, then, again, an authority is obliged to process the meta request. It should also refer to part VI of the [section 45 Code of Practice](#) (if the request is an FOI request), or to our guidance [Internal reviews under the EIR](#) (if the request is for environmental information) for further details on how to handle the request for an internal review.

## Unclear meta requests

16. An authority should go back to a requester and ask for further clarification in any case where:
  - It can't locate or identify the requested information.
  - It is unclear whether the requester is making a meta request, complaining about the response to the original request, or both.
  - The requester has made several previous requests for information and it isn't clear which of these the meta request relates to.

More detailed information on how to deal with unclear requests is available in our guidance [Interpreting and clarifying requests](#)

## Exemptions and neither confirm nor deny responses

### **Dealing with meta requests where the original request was refused citing an exemption**

17. If an authority withheld information when it responded to the original request under an exemption (or exception), then the material caught by the meta request may also contain some of that previously exempted information.
18. However, there is no special provision in FOIA or the EIR to withhold information in response to a meta request on the grounds it was exempt from disclosure at the time of the original request.
19. Therefore, if an authority still believes the information is exempt, it must apply the appropriate exemption (or exception) within the Act (or Regulations). In most cases this is likely to mean re-applying the exemption used to withhold the information in response to the original request.

### **Example**

A government department receives a request for a report into the safety of a new vaccine.

The report had concluded that the vaccine could have severe side effects in rare cases. The department is concerned that releasing this information could deter people from getting vaccinated, risking their health and increasing the likelihood of the disease spreading. It therefore withholds the report under Section 38 of the FOIA on the grounds that disclosure would be likely to prejudice the health and safety of members of the public.

Following this, the requester submits a meta request for all correspondence relating to the processing of his original request.

The information caught by the meta request includes an email by the author of the report which advises the department not to allow information about the severe side effects be made public.

The disclosure of this email would entail the release of information that was withheld in response to the original request under Section 38, namely the fact that the vaccine can have severe side effects.

However, there is no special provision in FOIA to withhold information on the grounds it was exempted in response to a previous request. Therefore, if the department is satisfied that disclosing details of the effects of the vaccine would still prejudice the health and safety of members of the public then it will have to apply Section 38 to the relevant information in the email.

20. If an authority claimed an exemption from the duty to confirm or deny at the time of the original request then the same principles will apply.
21. There is no provision in FOIA or the EIR to withhold information in response to a meta request on the grounds that disclosure would undermine a previous neither confirm nor deny response. Therefore, if an authority is satisfied that an exemption from the duty to confirm or deny still applies, it must apply the appropriate exemptions (or exceptions) within the Act (or Regulations).

### **Example**

A police authority receives the following request:

*'I would like details of any investigations you have carried out into allegations of fraud at the local council'.*

The police have conducted enquiries into financial activities at the council. However, they decide to issue a neither confirm nor deny response under Section 31(3) of FOIA (the exemption for law enforcement) because they are concerned that disclosing this information would prejudice their investigation.

The requester then submits a meta request for all documents connected with the handling of his original request.

Amongst these documents are the minutes of a meeting at which the police discussed the original request. These minutes make reference to the police's enquires into the council's financial activities.

If the police release the information in the minutes, it will confirm that they are investigating the council and undermine their original neither confirm nor deny response. However, there is no specific provision within FOIA for an authority to withhold information on these grounds. Therefore, if the police are satisfied that the information is still exempt from the duty to confirm or deny, they will have to apply Section 31(3) to this request.

## **Meta requests and Section 36: Prejudice to the effective conduct of public affairs**

22. Section 36 of FOIA provides an exemption from the duty to disclose information where this would be prejudicial to the effective conduct of public affairs. It is a qualified exemption and therefore subject to a public interest test.
23. Where an authority applies Section 36 to a meta request, the public interest arguments in favour of maintaining the exemption should focus on the consequences of disclosing the **specific information** caught by that request.
24. However, we have dealt with a number of complaints where authorities have put forward arguments based on the general

impact of dealing with meta requests. For example, we have seen authorities make the case that meta requests inhibit officials from providing free and frank advice when dealing with information requests.

25. In our view, general arguments that aren't linked to the consequences of disclosing the specific information should be given little weight as public interest factors in favour of maintaining the exemption.

In [FS50482167](#), the requester made a meta request to the Department for Communities and Local Government ('DCLG') for letters and emails relating to a previous FOI request he'd made on July 25 2012.

The July 25 request was for *'...all communications relating to Hatfield town team's successful bid for a Portas Pilot award'*.

The DCLG provided some of the information within the scope of the meta request but refused the remainder under Section 36.

One of the arguments the DCLG put forward in favour of maintaining Section 36 was the need for 'safe space' in respect to its consideration of the original request. However, they failed to link this line of argument to the specific information under consideration.

The Commissioner observed that:

*'...as the safe space required would not be for the formulation of policy, but rather for exchange of views or advice on how to meet its statutory obligations under the FOIA, the inhibition claimed would not be particularly severe or widespread given that there are statutory parameters within which a request has to be dealt with. He does not consider that there is significant public interest in protecting a safe space in relation to statutory obligations designed to promote openness and transparency in government and DCLG has not provided reasons as to why such a safe space is needed in relation to the specific withheld information.'* (para 47)

26. More detailed information about Section 36 and public interest tests is available in our guidance;

[Section 36: effective conduct of public affairs](#)

## [The public interest test](#)

### Public interest factors in favour of disclosing the information caught by a meta request

27. Where an authority has applied a qualified exemption (or exception) to a meta request, and is considering the public interest factors **in favour** of disclosure, it should give some weight to the inherent public interest in:
- increasing the transparency and accountability of the request handling and decision making process;
  - helping the public better understand the reasoning behind decisions; and
  - fostering public confidence in the request handling process.
28. Some authorities may feel they already serve these interests by having an accepted internal review process, or through publishing their request handling procedures online. However, the fact an authority has clear procedures in place does not guarantee that they are adhered to, or that its internal reviews are vigorously conducted.
29. This means that meta requests have an inherent public interest value as an alternative means of scrutiny, independent of public authorities' own request and complaints procedures.

The Tribunal case [Home Office and Ministry of Justice vs ICO](#) (EA2008/0062, 20 November 2008) concerned a request by a Mr Matthew Davis for documents related to his company's use of FOIA.

Mr Davis submitted this request because he believed his company's requests were *'...deliberately handled differently to other members of the public, which is a clear abuse of the act on your part as you should be 'applicant blind' when dealing with requests'*.

The Home Office provided some of the information and withheld the rest under Section 36 (prejudice to the effective conduct of public affairs).

However, the matter was referred to the Commissioner who

ruled that the balance of the public interest lay in favour of disclosure.

The Tribunal found that the Commissioner had made the correct decision. When considering the balance of the public interest, it stated;

*'We have given strong weight to the public interest in knowing that public authorities deal with FOI requests properly and lawfully and do not discriminate against requesters or between requesters. This is the particular public interest raised by Mr Davis himself. It is vital to show and to be seen to show that the fundamental compliance processes of the Act are being observed.'* (para 65)

30. For further information on the application of the public interest test, please see our guidance;

[The public interest test](#)

[How exceptions and the public interest test work in the Environmental Information Regulations](#)

## Meta requests and personal data

31. The information caught by a meta request is likely to contain a mixture of the requester's own personal data and third party personal data (principally the personal data of the employees who dealt with the original request).
32. The requester's own personal data is exempt from disclosure under Section 40(1) of FOIA and should be handled under the subject access provisions of the DPA.

For further information on how to handle this issue please see our guidance:

[Personal data of both the requester and others](#)

[Requests for personal data about public authority employees](#)

## Vexatious or manifestly unreasonable requests

33. Under Section 14 of the FOIA, public authorities do not have to comply with requests that are vexatious. The equivalent

provision in the EIR is Regulation 12(4)(b), the exception for manifestly unreasonable requests.

34. We have dealt with several cases where the authorities have supported their decision to apply Section 14 to a meta request with general arguments around the theme that such requests are, by nature, obsessive or lacking in any serious purpose of value.
35. In our view, there is nothing intrinsically vexatious about a request for information about a request. It follows that authorities should not treat meta requests as vexatious as a matter of course.
36. Rather, an authority should only consider refusing a meta request as vexatious where it can point to **specific** evidence that the request will cause a disproportionate or unjustified level of disruption, irritation or distress.
37. Further advice on identifying and dealing with vexatious requests is available in our guidance:

[Dealing with vexatious requests](#)

[Manifestly unreasonable requests -regulation 12\(4\)\(b\)](#)

## Meta requests and cost limits

38. We have also dealt with a number of cases where authorities have cited cost or burden as grounds for refusing a meta request.
39. We do not consider there to be anything inherently costly or burdensome about a meta request. We would therefore expect an authority to consider cost and burden on a case by case basis, as with any other type of request.
40. Where an authority has concluded that the cost of compliance would be excessive, it should deal with the meta request under Section 12 of the FOIA (cost limits). For more detailed information about Section 12, please see our guidance:

[Requests where the cost of compliance with a request exceeds the appropriate limit](#)

41. There is no direct equivalent to Section 12 in the EIR. However, an authority can take the cost of compliance into account as

part of a claim that a request is manifestly unreasonable. For further information, please read our guidance:

[Manifestly unreasonable requests -regulation 12\(4\)\(b\)](#)

## More information

42. Additional guidance is available on [our guidance pages](#) if you need further information on the public interest test, other FOIA exemptions, or EIR exceptions.
43. This guidance has been developed drawing on ICO experience. Because of this it may provide more detail on issues that are often referred to the Information Commissioner than on those we rarely see. The guidance is reviewed and considered from time to time in line with new decisions of the Information Commissioner, Tribunals and courts.
44. It is a guide to our general recommended approach, although individual cases will always be decided on the basis of their particular circumstances.
45. If you need any more information about this or any other aspect of freedom of information, please [contact us](#), or visit our website at [www.ico.org.uk](http://www.ico.org.uk).