

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 March 2025

Public Authority: Hart District Council
Address: Civic Offices
Harlington Way
Fleet
GU51 4AE

Decision (including any steps ordered)

1. The complainant has requested information from Hart District Council ("the Council") relating to two freedom of information requests.
2. The Commissioner's decision is that that the Council is not entitled to rely on section 14(1) of FOIA to refuse to provide the requested information.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - The Council must issue a fresh response to the request which does not rely on section 14(1) of FOIA.
4. The Council must take these steps within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 16 September 2024, the complainant wrote to the Council and requested information in the following terms:

“Please could you provide all information you hold relating to FOI 24/00346 and FOI 24/00809. This includes internal and external communications.”
6. The Council responded on 24 September 2024 and refused to provide the requested information citing section 14(1) (vexatious request). On the same date, the complainant requested an internal review. However, following an internal review, the Council maintained its original position.

Scope of the case

7. The complainant contacted the Commissioner on 15 October 2024 to complain about the way their request for information had been handled. They stated that they do not consider the Council to have correctly applied section 14(1) to their request.
8. Therefore, in this notice the Commissioner will consider whether the Council is entitled to rely on section 14(1) of FOIA to refuse to comply with the request.

Reasons for decision

Section 14(1) – vexatious request

9. Details of section 14(1) of FOIA can be found in the Commissioner’s [decision notice support materials](#).

The Council’s position

10. The Council considers the request to be vexatious. In their responses to the request and submissions to the Commissioner, the Council stated that complying with the request would divert resources away from more legitimate requests and other public matters. It considers that there is a clear connection between the motive behind the request and staff harassment.
11. The Council stated that between 23 February 2024 and October 2024, the complainant submitted five requests for information, three requests for an internal review, a complaint to the Information Commissioner’s

Office (ICO), and another complaint. It explained that the complainant has also sent in excess of 20 emails which either relate to “the creation, progress and discharge of Condition 35 to 14/00504/MAJOR (reference 23/01658/CON)”, or the handling of their requests for information. The Council therefore considers that if it were to comply with the request, it would likely result in further correspondence or requests for information from the complainant rather than resolving matters.

12. The Council considers the request to have little public interest and to lack a serious purpose and value. It stated that it has not refused to comply with the request due to the request being a meta request but rather because it does not consider the request to be a genuine attempt to obtain information. It explained that whilst the complainant’s previous requests have all related to the same topic, the request in this case relates to how the complainant’s original request for information was handled.
13. The Council considers the complainant to be taking an unreasonably entrenched position. It explained that when it has provided advice to the complainant, that advice has been dismissed out of hand and the complainant has instead requested an internal review without explaining why they disagree with the original response or providing any reasons for the review. The Council considers this to support their assertion that the request constitutes harassment of its staff.
14. The Council explained that the complainant has submitted two subject access requests (SAR) which relate to their previous requests for information and the request in this case. It stated that in response to the complainant’s SARs, it disclosed a number of emails. The Council therefore considers that the complainant has already been provided with the information requested in this case in a more appropriate manner.

The complainant’s position

15. The complainant does not consider their request to be vexatious. In their initial complaint to the Commissioner, the complainant acknowledged that they have submitted multiple requests for information to the Council. However, they do not consider that they have submitted an excessive number of requests or that their requests were unreasonable. The complainant stated that it was necessary for them to have made multiple requests for information and to have requested internal reviews as the Council did not handle their requests correctly.
16. The complainant explained that they made the request in this case to find out more about the Council’s handling of their previous requests for information. They therefore dispute the Council’s assertion that their

request is of little public interest and that it does not have a serious purpose or value. They also dispute the Council's claims of harassment. The complainant believes the Council to have applied section 14(1) of FOIA to their request due to it being a meta request.

The Commissioner's position

17. The Commissioner notes that the complainant has submitted multiple requests for information to the Council. He also recognises that dealing with those requests and correspondence relating to the requests would be time consuming and would impact the Council's ability to carry out other duties. However, the Commissioner considers that as the complainant's requests were made over several months, they would not have placed an unjustified burden on the Council.
18. Furthermore, the Commissioner considers the request in this case to have a serious purpose and value as the complainant has asked for information relating to their previous requests for information. He considers that the disclosure of the requested information would help the complainant's understand how the Council dealt with their requests and would also aid the wider public's understanding of the Council's FOI processes.
19. The Commissioner notes that the Council has stated that the complainant has requested an internal review without providing any reasoning for that review. However, he does not consider this in itself to be evidence of harassment as asserted by the Council. The Commissioner considers that where a requester is dissatisfied with the way a public authority has dealt with their request, it is reasonable for them to request an internal review. Furthermore, whilst it is helpful for a requester to explain why they are unhappy with a public authority's response to their request when requesting an internal review, there is no requirement for them to do so.
20. The Commissioner recognises that the Council has provided the complainant with information within the scope of the request in response to a SAR. However, as he understands it, the complainant submitted the SAR to the Council after the request in this case was made. He therefore considers that at the time of the request, the complainant did not have the requested information.
21. Therefore, the Commissioner is not satisfied that dealing with this request would cause a disproportionate or unjustified level of disruption, irritation or distress. His decision is that the Council is not entitled to rely on section 14(1) of FOIA to refuse to provide the requested information.

Right of appeal

22. 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

23. 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.
24. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Christopher Williams
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Wycliffe House
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