

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

### **Decision notice**

**Date:** 9 April 2025

**Public Authority:** Cabinet Office  
**Address:** 70 Whitehall  
London  
SW1A 2AS

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

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1. The complainant requested information relating to procedures for declining internal reviews for Freedom of Information requests. The Cabinet Office relied on section 14(1) of FOIA (vexatious) to refuse the request.
2. The Commissioner's decision is that the request was not vexatious and therefore the Cabinet Office was not entitled to rely upon section 14(1) of FOIA to refuse it.
3. The Commissioner requires the Cabinet Office to take the following step to ensure compliance with the legislation.
  - Issue a fresh response to the request that does not rely on section 14(1) of FOIA.
4. The Cabinet Office must take this step 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

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5. On 18 July 2024, the complainant wrote to the Cabinet Office and requested information in the following terms:

"When the Cabinet Office refuses a Freedom of Information request and then declines to conduct an internal review upon request, how does it ensure that its initial refusal was correct before the complainant potentially escalates the matter to the ICO? This is particularly important given that approximately 48.39% of the decision notices issued to the Cabinet Office by the ICO mandate some form of corrective action.

I would like to request:

1. Active documents or records that explain the circumstances as to when the Cabinet Office will and will not conduct an internal review upon request after refusing a request for information under the Freedom of Information Act 2000.
  2. Active documents or records containing the processes or procedures followed by the Cabinet Office to ensure the accuracy and correctness of an initial refusal of a request for information under the Freedom of Information Act 2000 when the Cabinet Office declines to conduct an internal review upon request.
  3. The three most recent statistics or records relating to the number of times the Cabinet Office has declined to conduct an internal review following an FoI refusal, along with any reasons recorded for these decisions.
  4. The most recent 3 correspondence or communications, whether internal or external, that discuss or evaluate the Cabinet Office's process for handling FoI refusals and the decision not to conduct an internal review."
6. The Cabinet Office responded on 16 August 2024, refusing the request under section 14(1) of FOIA. This position was upheld at internal review.

## Reasons for decision

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### Section 14(1) – vexatious requests

7. This decision notice concerns section 14(1) of FOIA. Details of this section of FOIA and how it is applied in a decision notice can be found in the Commissioner's [decision notice support materials](#).

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

8. The complainant has argued that the Cabinet Office applied section 14(1) incorrectly because their request was precise, limited in scope, and focused on internal processes that should be readily accessible.
9. They also stated that there was a serious value and purpose to the request, which was to understand how the Cabinet Office handles requests for internal reviews following a refusal of an information request.

### **The Cabinet Office's view**

10. Within its submissions to the Commissioner, the Cabinet Office stated: "A request for information regarding the Cabinet Office's process and procedures for conducting an internal review would ordinarily be considered to have a value or serious purpose."
11. However, in this case, it said that the request was motivated by the complainant's dissatisfaction with the Cabinet Office's refusal of a previous information request (submitted on 18 June 2024) and internal review, because it had considered the information request to be invalid.
12. The Cabinet Office argued that there was also a burden to the request given the number and frequency of information requests being submitted by the complainant.
13. It stated that the complainant submitted seven requests for information between 18 May 2024, and 18 July 2024, and provided a list. Having reviewed this, the Commissioner notes that there are six information requests covering four different subjects:
  - Public expenditure relating to the then Prime Minister;
  - Documentation regarding the Cabinet Office as an employer;
  - Three for Government strategies for combating fraud - the 'invalid' request of 18 June 2024, and two amended requests for the same information which were answered;
  - Information relating to internal reviews – the request being considered here.
14. The Cabinet Office went on to state that, while the language used in the request was neither abusive or harassing, it was, in their opinion, 'combative' and was being used to 'score points' because, as a frequent requester, the complainant is well aware that they do not need to justify a request.

## **The Commissioner's decision**

15. 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. It is also permissible, in section 14 cases, to consider the requester's motive.
16. As noted at paragraph 10 of this decision notice, the Cabinet Office has accepted that the request would "ordinarily be considered to have a value or serious purpose."
17. Therefore, if one were to depersonalise the request, the Cabinet Office has accepted that the information being requested is of legitimate public interest and value.
18. However, in this case it has argued that the motive of the complainant - dissatisfaction with the handling of a previous request - outweighs any serious value and purpose.
19. The Commissioner considers that it is not unreasonable for an experienced requester to want to understand how a public authority will, or will not, conduct internal reviews, and also to understand how a public authority ensures that initial decisions taken on information requests are correct.
20. In regard to the language used in the request, the Commissioner would agree with the assessment that it is neither abusive nor harassing. The Commissioner's view is that there is nothing within the language used by the complainant that supports that the request above was vexatious.
21. In the circumstances of this case, the Commissioner does not consider that the number of requests, each with a different focus, within a two month period to be overly burdensome, and the Cabinet Office has not provided any particular arguments as to why it considered these requests to be burdensome.
22. The decision of the Commissioner is that the reasoning given by the Cabinet Office does not persuade him that the request would cause a disproportionate or unjustified level of disruption, irritation or distress. Therefore the complainant's information request was not vexatious and the Cabinet Office was not entitled to rely on section 14(1) of FOIA to refuse it.
23. The Cabinet Office must now issue a fresh response to the request.

## Right of appeal

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24. 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)

25. 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.
26. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Ben Tomes**  
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**Information Commissioner's Office**  
**Wycliffe House**  
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