

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 June 2021

Public Authority: University Council of the University of Warwick

Address: University Road
Coventry
CV4 7AL

Decision (including any steps ordered)

1. The complainant requested information relating to the curriculum for a particular course offered by Warwick Medical School. The University Council of the University of Warwick ("the University") did not respond to this request. It later confirmed that it considered that the request was vexatious and was relying on section 17(6) of the FOIA to not issue a refusal notice.
2. The Commissioner's decision is that the request was vexatious and therefore the University was not obliged to comply with it. She also finds that the University was entitled to rely on section 17(6) of the FOIA as it would have been unreasonable in the circumstances to have expected the University to have issued a refusal notice.
3. The Commissioner does not require further steps.

Request and response

4. On 23 August 2020, the complainant wrote to the University and requested information in the following terms:

"I request the University of Warwick provide the following information pertaining to the MBChB Programme at Warwick Medical School:

(1) Full true copies of the documents proposing replacement of the MBChB curriculum used by Warwick Medical School (replacement of the curriculum put in place in 2006).

(2) Full true copies of the documents proposing replacement of the assessment processes for MBChB used by Warwick Medical School (replacement of the assessment processes put in place in 2006).

(3) Full true copies of the minutes of meetings concerning the replacement of the MBChB curriculum used by Warwick Medical School (replacement of the curriculum put in place in 2006).

(4) Full true copies of the minutes of meetings concerning the replacement of the assessment processes for MBChB used by Warwick Medical School (replacement of the assessment processes put in place in 2006).

(5) Full true copies of the correspondence with the General Medical Council concerning the replacement of the MBChB curriculum used by Warwick Medical School (replacement of the curriculum put in place in 2006).

(6) Full true copies of the correspondence with the General Medical Council concerning the replacement of the assessment processes for MBChB used by Warwick Medical School (replacement of the curriculum put in place in 2006).

(7) Full true copies of all job advertisements for qualified teaching posts at Warwick Medical School 2006-2020.

(8) Full true copies of the correspondence with the General Medical Council concerning (i) the introduction of the Medical Licensing Assessment (MLA), and (ii) removal of the requirement for Provisional GMC Registration on completion of the MBChB and MLA. Please provide information in pdf format via email.

5. The University did not respond to the request.

Scope of the case

6. The complainant contacted the Commissioner on 12 August 2020 to complain about the University's failure to respond to his request.

7. In line with her usual practice, the Commissioner contacted the University on 22 October 2020 to note that the request had not been responded to. On 2 November 2020, the University responded to the

Commissioner to advise that it considered that the request was vexatious and that it would be relying on section 17(6) of the FOIA to not issue a refusal notice.

8. Unsurprisingly, the complainant disputed the University's characterisation of his request and asked the Commissioner to investigate.
9. The Commissioner considers that there are two distinct but related questions that she must address: firstly, was the request vexatious and, if it was; would it have been unreasonable in the circumstances to have expected the University to have issued a refusal notice?

Reasons for decision

Section 14 - Vexatious

10. Section 1(1) of the FOIA states that:

Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) if that is the case, to have that information communicated to him.*

11. Section 14 of the FOIA states that:

Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.

12. Section 17 of the FOIA states that

(5) A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.

(6) Subsection (5) does not apply where—

- (a) the public authority is relying on a claim that section 14 applies,*
- (b) the 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.*

13. The term “vexatious” is not defined within the FOIA. The Upper Tribunal considered the issue of vexatious requests in *Information Commissioner v Devon CC & Dransfield* [2012] UKUT 440 (AAC). It commented that “vexatious” could be defined as the “manifestly unjustified, inappropriate or improper use of a formal procedure”. The Upper Tribunal’s approach in this case was subsequently upheld in the Court of Appeal.
14. The *Dransfield* definition establishes that the concepts of proportionality and justification are relevant to any consideration of whether a request is vexatious.
15. *Dransfield* also considered four broad issues: (1) the burden imposed by the request (on the public authority and its staff), (2) the motive of the requester, (3) the value or serious purpose of the request and (4) harassment or distress of and to staff. It explained that these considerations were not meant to be exhaustive and also explained 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).
16. The Commissioner has published guidance on dealing with vexatious requests¹, which includes a number of indicators that may apply in the case of a vexatious request. However, even if a request contains one or more of these indicators it will not necessarily mean that it must be vexatious.
17. When considering the application of section 14(1), a public authority can consider the context of the request and the history of its relationship with the requester, as the guidance explains: “*The context and history in which a request is made will often be a major factor in determining whether the request is vexatious, and the public authority will need to consider the wider circumstances surrounding the request before making a decision as to whether section 14(1) applies*”.

¹ <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

18. However, the Commissioner is also keen to stress that in every case, it is the request itself that is vexatious and not the person making it.
19. In some cases it will be obvious when a request is vexatious but in others it may not. The Commissioner's guidance states: "In cases where the issue is not clear-cut, the key question to ask is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress."

The complainant's position

20. At the outset of her investigation, the Commissioner wrote to the complainant, setting out the scope of her investigation. In the interests of fairness, she also invited the complainant to make representations, if he wished to do so, setting out why he did not consider his request to be vexatious. The complainant did not respond to this correspondence and the Commissioner notes that it is the responsibility of the public authority to justify its use of the exemption – not for the complainant to explain why the exemption is not justified.
21. However, when asking the Commissioner to proceed with his complaint, the complainant made the following remarks that the Commissioner considers to be pertinent to the matter at hand:

"(7) [the University] engaged in an ad hominem attack on the Requester in an attempt to justify non-compliance with the FOI Act 2000 and concealing information.

"(8) It is not permitted for Public Authorities to refuse disclosure of information because the Requester may or may not have performed a Protected Act under the Equality Act 2010; such conduct by Warwick University is victimisation in contravention of s.27 Equality Act 2010;

"(9) The information requested is in the Overriding Public Interest for disclosure;

"(10) The Information Commissioner has already issued a Decision Notice against Oxford University (2014) stating that information about the business of universities (decisions, policies, practices) are in the Overriding Public Interest for disclosure; and furthermore, that such information is so much in the Overriding Public Interest that personal details within such documents is not exempt from disclosure;

"(11) The information requested from Warwick University pertains the provision (and lack of provision) of medical education and training leading to professional vocational qualifications in Medicine

(Primary Medical Qualification and License to Practise Medicine) and employment in the NHS;

"(12) The information requested from Warwick University pertains the provision (and lack of provision) of medical education and training leading that is wholly funded by Public Money; including Public Money allocated by the Secretary of State for Health and Social Care (NHS Bursaries and other Public Money);

"(13) There is some evidence (arising from partial disclosure of the information requested from Warwick University) that Warwick University generated documents in which is recorded systemic failures in the provision of medical education and training since 2006 to at least 2016; which include systemic failures to meet Statutory requirements under the Medical Act 1983.

...

"(14) The information requested from Warwick University is, therefore, also as matter of Overriding Public Interest in respect of professional qualifications and patient safety (NHS patient safety);

"(15) Therefore, the Public have a right to scrutinise Warwick University in respect of its activities affecting medical education and training, and the issuing of professional qualifications in medicine, and compliance/non-compliance with Statutory Legislation, and the affects on NHS patient safety;

"(16) The Public Interest for disclosure overrides the desire of Warwick University to conceal the information;

"(17) The Public Interest for disclosure overrides the desire of Warwick University to conceal the information by subjecting the Requester to victimisation and ad hominem attacks; and overrides the alleged (bogus) reliance by Warwick University on s.17(6) FOI Act 2000;

"(18) The Information Commissioner has confirmed that even were a Requester has commenced legal proceedings against a Public Authority, that Public Authority is still required to disclose information to the Requester under provision of the FOI Act 2000. The Public Authority is not permitted to use the fact of legal proceedings to evade disclosure or to allege a request is 'vexatious'." [sic]

The University's position

22. The University explained that its dealings with the complainant could be traced back to the 2007/8 academic year when the complainant had been a student at the University.
23. The University rules, in place at the time, required students to pass both oral and written examinations in order to achieve a first year "Pass". In the written examinations, in order to pass, students were required to achieve acceptable marks on a minimum number of questions as well as achieving an overall grade of 40% or above for the exam as a whole. This was to ensure that candidates had a broad knowledge of each topic area and would not be able to achieve a pass mark by answering a small number of questions very well, but providing sub-standard answers to the remaining questions.
24. The complainant passed his oral exam and achieved an overall mark in excess of 40% on his written examinations, but failed to answer sufficient questions to the level required in order to pass his first year. He re-sat one of his exams but still failed to achieve sufficient acceptable scores and thus received an overall Fail, preventing him from continuing his studies.
25. The complainant lodged a formal complaint against the University's decision to award him a Fail. The complaint was not upheld. The complainant appealed against that decision and, this time, introduced new evidence demonstrating that he had a learning difficulty. Having considered the new evidence, the University subsequently upheld the complainant's appeal on the grounds that, although it was not aware of the fact at the time, the complainant was entitled to receive adjustments, on account of his impairment, which he had not received. Consequently his exam results could not safely be considered as a fair reflection of his actual ability. The University therefore offered the complainant the opportunity to repeat his first year with appropriate adjustments in place.
26. The complainant was not satisfied with this outcome. He argued that the University ought to have awarded him a Pass for his first year and allowed him to continue his studies. He decided to withdraw from the University altogether and also submitted a complaint to the Officer for the Independent Adjudicator.
27. The Adjudicator issued its decision on 17 February 2011. It did not uphold the substance of the complaint. It noted that the University would have had difficulty assessing exactly how the complainant's impairment had affected the score he might otherwise have achieved and noted that it was unusual for the University's appeals panel to recommend that a student's result simply be changed. The Adjudicator therefore concluded that the University's offer to the complainant (to

repeat his first year) was one that was reasonable in the circumstances of the case.

28. The University then set out, to the Commissioner, the history of its interactions with the complainant and this was chronicled in numerous items of correspondence that the University provided.
29. Between 2007 and 2010, the University noted that the complainant had submitted multiple requests for information and provided copies of some of the correspondence. It argued that:

"The Commissioner will note the reoccurring themes within each requests. [sic] Examples of the information sought were: quality of teaching, examination procedures, examination results, examination papers, quality of staff, students who failed, special provision for students with specific learning difficulties, examination failures and re-sits, course content and quality, applicants for posts of general learning facilitator on medical school courses, numbers of recipients of post graduate awards in post-graduate medical courses, guidance for personal tutors (i.e. Personal Tutor's Handbook for the MBChB), information relating to examination classifications on the medical degree course, MBChB curriculum and assessment process."

30. The University argued that it had tried to respond to the complainant's requests where it could – although it had needed to rely on exemptions to refuse some of the requests. It noted that even then, the complainant had demonstrated numerous traits which continued to feature: he would send requests to multiple people, would submit new requests before the previous ones had been responded to and would fill his correspondence with persistent allegations of wrongdoing on behalf of the University. It also noted that, regardless of the way it responded to any request, the result would be a further barrage of correspondence from the complainant. It provided the Commissioner with copies of some of the correspondence.
31. After a break of several years, the complainant resumed his correspondence in late 2013 and made several requests for information – mostly accompanied by accusations against the University in general and individual members of staff.
32. In July 2014, the University decided that enough was enough and refused one of the complainant's requests as vexatious. It noted that:

"servicing such requests would amount to disproportionate allocation of the University's resources and would be unreasonably burdensome."

33. The complainant responded by alleging multiple breaches of the Equality Act, breaches of the European Convention on Human Rights along with breaches of various other fiduciary or contractual duties.
34. In 2015, the University responded to a request the complainant had made about a separate topic, this was followed by a further round of correspondence from the complainant where further accusations were made.
35. In 2017, the complainant made a further request to the University, which the University refused as vexatious. The University also advised the complainant, in its internal review, that it would not respond to any further requests of a similar nature. The complainant did not complain to the Commissioner.
36. The complainant made several subsequent requests for information to which the University did not respond.
37. More recently, the University noted that the complainant had named it (along with multiple other institutions) as a respondent in proceedings he had filed at the employment tribunal. Those proceedings – inasmuch as they related to the University – were finally struck out in May 2021, with the judge describing them as being without merit and having no reasonable prospect of success. The University noted that this was:

"just another example of the Complainant's relentlessness and obsessive pursuit of recompense for being 'prevented' from entering the medical profession."

38. The University noted that:

"The frequency of the correspondence, coupled with the threatening tone and scattergun approach of copying in multiple staff members and resource accounts, amounts to vexatious behaviour. The Complainant will regularly copy in senior members of staff (the Vice-Chancellor, Dean of WMS), academics within WMS and multiple resource accounts (admissions, governance, disability) many of whom have no idea who the Complainant is or how to facilitate his threatening and hostile emails."

"Not only does he copy in multiple staff at the University but he also copies in other universities, the GMC and even politicians. The University if also blind copied into correspondence, which appears to have nothing to do with it, sent to other institutions." [sic]

39. The University then went on to relate the complainant's behaviour to the key identifiers of a vexatious request as set out in the Commissioner's

guidance. It argued that the tone of his emails was inappropriate because:

"The volume of emails provided clearly demonstrate that the tone and language of the Complainant's emails are significantly confrontational. The Complainant has preconceived views of the University, which have remained unchanged despite the University's amenability to his early FOI requests and the rulings/findings of a number of independent regulatory bodies and Courts. The Complainant's emails have caused anxiety amongst staff against whom unreasonable and unfounded allegations have been made.

"The Complainant has previously tracked down retired members of staff and sent emails, containing his usual threatening and hostile tone, to email addresses associated with her place of worship and volunteer positions...The Commissioner will note from the correspondence provided that the staff member felt 'harassed' and that their privacy had been invaded...

"...none of the Complainant's accusations have ever been proven despite his persistence to pursue them through multiple channels. In all of his correspondence, the Complainant continues to make unsubstantiated accusations against the University, including the following:

- *s26 (harassment);*
- *s27 (victimisation);*
- *s108 (post-termination discrimination);*
- *s111 (inducing breaches); and*
- *s112 (aiding breaches of the Equality Act).*

"He further claimed:

- *breach of Art 6 of the European Convention on Human Rights (the right to a fair trial);*
- *breach of contract;*
- *breach of duty of care;*
- *breach of statutory duty;*
- *malicious falsehoods;*
- *defamation;*
- *education negligence; and*
- *loss of employment"*

40. The University argued that the burden of dealing with the requests was unreasonable because:

"The University has been facilitating correspondence from the Complainant for nearly 13 years. Despite engaging in an open and transparent way in every matter/forum the Complainant has chosen to pursue, the University is still accused of malicious falsehoods, discrimination, harassment and victimisation. This is a historic case and all avenues of redress have been exhausted. Staff members who once knew the case has since moved on or have retired and therefore to continue to facilitate requests dating back to issues arising in 2007/2008 is both unrealistic and burdensome."

41. The complainant was, the University argued, now pursuing this matter with unreasonable persistence because:

"The Complainant has demonstrated that he has a personal grudge against the University and WMS in particular. He targets his deluge of correspondence at certain members of staff, including in the past tracking down a retired member of staff to bombard them with correspondence at their place of worship and volunteer position (please see paragraph 59 above). Besides feeling harassed, the ex-member of staff was also quite perplexed as to why the Complainant had singled them out as they had played a supporting role in his appeal and was by no means the decision maker. This again demonstrates the Complainant's inability to rationale [sic] the decisions made against him."

"The Complainant bears a personal grudge against any institution that does not meet his demands or finds in his favour. This can be seen in his reaction to the University's handling of his complaint, the ICO's decision notice and the outcome of the OIA...The Complainant also raised a complaint with the GMC in December 2010 about a number of WMS staff who were registered with it. The complaints were rejected by the GMC because there was 'insufficient evidence to support the allegations'..."

"All of the issues raised by the Complainant have been addressed within the most appropriate forums, including independent regulatory bodies and courts of law. Yet every time there is an outcome not in favour of the Complainant that forum is accused of corruption and malicious falsehoods. The following routes have been explored and exhausted by the Complainant:

- *The University's academic appeals procedure*
- *The University's internal complaints procedure*
- *The OIA*
- *The GMC's complaints procedure*
- *The ICO and FTT*
- *The Employment Tribunal*

"Despite having rulings from all of the above independent bodies, the Complainant is still convinced that he has been wronged and is entitled to some form of redress, although as the years have passed it has become less clear as to what kind of redress the Complainant is seeking. He once was looking to obtain a pass of his first year of his medical degree but that same motivation seems unlikely now. It appears as though his unreasonable persistence is less about obtaining any reasonable form of redress and more about causing disruption and having a platform to field his anger and frustration..."

"There is no possibility of engaging with the Complainant in a meaningful and constructive way. The Complainant is not amenable to the provision of advice and assistance and any such efforts are misinterpreted as an attempt to avoid providing him with access to the information he believes he is entitled to."

42. In summary, the University argued that there could be little value in any of the requested information, other than to the complainant and that any value remaining was far outweighed by the unreasonable way the complainant had pursued the matter in the intervening years.

The Commissioner's view

43. In the Commissioner's view, the request, when seen in the context of the complainant's interactions with the University was vexatious.
44. The Commissioner accepts that, in 2008, the complainant was entitled to some sense of grievance against the University. He had, at that time, an undiagnosed learning difficulty which meant that he would have found it difficult to compete on a level playing field with his peers. In papers filed with the Employment Tribunal, the complainant accused the University and others of having:

"destroyed [his] promising career as a Medical Practitioner...and caused [him] to be denied an income, and to lose his family home, and for his marriage to be destroyed; denying [him] a right to life."

45. It will never be known how well the complainant would have performed, had he been able to take the exams with reasonable adjustments having first been put in place. It will never be known, because the complainant refused the University's offer to re-take his first year.
46. The complainant clearly feels that that was an unreasonable offer, but he has, as yet, been unable to find any independent body willing to agree that either the offer, or the manner in which the University

handled the appeal of his result, was unreasonable. Nor is it clear why responding to this request would move matters any further forward.

47. Undeterred by the lack of support for his position, the complainant has apparently taken the view that the only possible reason must be bias, discrimination or general corruption on behalf of those with whom he engages. This is evident from his correspondence with the University, but has also appeared in his correspondence with the Commissioner herself.
48. The correspondence provided by the University demonstrates a classic case of vexatiousness by drift. Whatever legitimate interest there may originally have been in the matter has long since faded away and all that now appears to be driving the making of further requests is the complainant's pursuit of vindication. A pursuit which has become obsessional.
49. The University has drawn the Commissioner's attention to legal proceedings brought by the complainant against multiple institutions, including the University. The complainant put forward a plethora of claims under various legislation, particularly the Equality Act. Whilst those proceedings (insofar as they involved the University) did not conclude until well after the complainant submitted his request, the Commissioner notes that they were formally initiated in 2018. The Commissioner has been shown a copy of a preliminary ruling of the Tribunal on 4 December 2020 in which the judge issued scathing criticism of the manner in which the complainant had brought and pursued his claim:

"the claimant has acted with hostility towards the respondents and has unfairly and unreasonably attempted to pressurise them into settling his claims on the basis of misguided and/or misconceived assumptions. I conclude that it would have been reasonable for the claimant to have withdrawn his claims long ago, had he properly engaged with the respondent's [sic] arguments as to why his claims had no reasonable prospect of success..."

"...Taking account of the above matters, I consider that the claimant has acted unreasonably by the bringing of proceedings, and in the way that he has conducted the proceedings, in relation to those claims that have been dismissed or struck out. I rely in particular on the findings of fact in relation to the emails demanding unconditional offers to study medicine; and the claimant's insistence on continuing with the proceedings, despite the clear representations made as to why these claims are covered by Part 6 EqA, not Part 5. As well as the representations made in relation to

the whistleblowing claims, by those respondents who have never been in an employment relationship with the claimant.

"It is also significant in my view that as long ago as October 2017, the claimant was on notice that what at that time were only potential legal proceedings could not succeed. The claimant's misconceptions about the legal issues were carefully explained to him. The claimant has ignored those representations. He has instead initiated and persisted in the numerous legal proceedings...

"I take due notice of the fact that the legal issues are potentially complex, in relation to the distinction between Part 5 and Part 6 claims. The arguments in relation to them have however been carefully explained on numerous occasions to the claimant. The claimant has either failed to engage with or attempt to understand those arguments or has simply ignored them. Instead, he has continued to make unjustified settlement proposals and continued to garner irrelevant evidence in order to show that the courses which he applied for were vocational in nature. Those actions and arguments are misconceived; they totally miss the point...On the basis of the facts in this case, the Tribunal's conclusion in that regard was never in doubt. Such claims were totally without merit from the outset, a fact which the claimant, an intelligent man with a PhD from the University of Oxford, should have been able to understand."

50. The Commissioner has also taken into account the way that the complainant has pursued his grievance and information requests with the University.
51. The complainant's correspondence is routinely lengthy, filled with pseudo-legal jargon and carries the constant threat that staff of the University have denied him his rights or committed criminal offences. The Commissioner considers that the individuals on the receiving end of this correspondence would have every right to feel harassed.
52. The Commissioner takes a particularly dim view of the complainant targeting the church of a former employee in order to obtain her contact details and further harass her via legal threats. Such behaviour is unacceptable – although she also notes that this occurred in 2010 and does not appear to have been repeated.
53. In summary, the Commissioner is satisfied that this request can be traced back to the complainant's original grievance with the University. That original grievance has been examined and re-examined, both by the University and by independent bodies. All have concluded that the University acted reasonably.

54. As the years have gone by, the complainant's campaign has become further and further detached from the original grievance or any outcome that he might reasonably have expected to achieve and now appears to be more focused on vindicating his subsequent actions. The paperwork filed with the Employment Tribunal indicates that the complainant now considers that the University is responsible for the disintegration of both his professional and personal life. Any outcome that is not on his own terms is unacceptable to him, so it is difficult to see how matters could ever be resolved amicably.
55. The Commissioner considers that the complainant's personal campaign against the University is of no interest to anyone but him. Nor is it clear how responding to this request would bring matters any further forward.
56. The Commissioner is therefore satisfied that the request was vexatious and thus the University was entitled to rely on section 14(1) of the FOIA to refuse it.

Was the University obliged to issue a refusal notice?

57. As quoted above, section 17(6) of the FOIA allows a public authority to not issue a refusal notice where three conditions are met.
58. In relation to the first criteria, the University has relied upon a position that the request is vexatious – and, as explained above, was justified in doing so.
59. The second criteria has also been met as the University had informed the complainant in both 2014 and 2017 that his requests were vexatious. The complainant had the opportunity to complain about either or both of those responses, but did not do so.
60. Finally, the Commissioner must consider whether the third condition was met: whether it would have been unreasonable in circumstances to have issued a fresh refusal notice.
61. Whilst the Commissioner notes that, at the point the request was received, it had been about three years since the University had last issued a refusal notice, she also notes that the request relates to the same matter and nothing significant had changed during the intervening period.
62. The First Tier Tribunal in *Scranage v Information Commissioner* EA/2020/0153 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 the 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.

63. The University noted that, despite not issuing further refusal notices, the complainant continues to send correspondence. It argued that issuing further refusal notices would only encourage the complainant to increase the volume of correspondence he sends.
64. The Commissioner agrees that, in the circumstances, it would have been unreasonable to have expected the University to have issued a fresh refusal notice. Simply refusing the requests as vexatious had clearly not brought matters to a close and therefore the University is entitled to draw a further line in the sand.
65. Continuing to issue further refusal notices would, in the Commissioner's view, only serve to prolong the pointless correspondence further whilst subjecting the University's staff to the complainant's unreasonable tone for longer than is necessary.
66. The Commissioner is therefore satisfied that the University was entitled to rely on section 17(6) to not issue a refusal notice.

Other matters

67. The complainant obviously has the right to appeal this decision to the First Tier Tribunal if he considers that the Commissioner has incorrectly applied the law.
68. However, in the absence of a successful appeal, the Commissioner, mindful of the comments in *Scranage*, wishes to place the complainant on notice that she is likely to rely on section 50(2)(c) to refuse to issue decisions in respect of any further complaints he submits about the University which relate to this matter. Whilst any further complaints will be assessed on their own merits, it would undermine the purpose of section 17(6) of the FOIA if the University were constantly to be asked to re-justify its use of the exemption.

Right of appeal

69. 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

70. 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.
71. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Roger Cawthorne
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