

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

### **Decision notice**

**Date:** 5 March 2025

**Public Authority:** Chief Constable of Humberside Police  
**Address:** Police Headquarters  
Priory Road  
Hull  
HU5 5SF

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

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1. The complainant requested information about a number of related matters in four separate requests.
2. The above public authority (the "public authority") relied on section 14(1) of FOIA (vexatious) to refuse the requests.
3. The Commissioner's decision is that the requests were vexatious and therefore the public authority was entitled to rely upon section 14(1) of FOIA to refuse them.
4. The Commissioner also finds that the public authority did not provide a valid refusal notice in respect of the third request within the statutory deadline as required under section 17(1) of FOIA.
5. No steps are required.

#### **Requests and responses**

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##### **First request**

1. On 6 June 2024, the complainant wrote to the public authority and requested information in the following terms:

"Since 1974 to 1994 under the Freedom of Information act 2000 please provide me with all the information that you hold regarding the Humberside Police duties, responsibilities and obligations in relation to the care of children that the Humberside Police picked up from the courts after they had being sentenced to a period of time in a detention centre. These children were in the care of the Humberside Police from the point of being picked up from the court and then handed over at the detention.

I'm therefore requesting all information about this process. What were the relevant laws? what were the officer's obligations and responsibilities? what type of documentation were used, for example, time of pick up, by whom, method of transport, time travelling to detention centre, time handed over to prison staff etc? I'm requesting all the information that you hold."

2. This request was refused on 2 July 2024 as being vexatious under section 14(1) of FOIA.
3. An internal review was requested on 3 July 2024, but no review was provided to the complainant.

### **Second request**

4. On 12 June 2024, the complainant made the following request:

"Under FOIA please provide me with the total number of individuals that have been placed on a contact strategy order by the professional standards Department of the Humberside Police since 1974."
5. This was a follow-on request to a request made by the complainant to the public authority dated 21 May 2024 about a contact strategy placed on them which was dealt with by the Commissioner in Decision Notice IC-335363-Q8M5. This Decision Notice is not yet published on the Commissioner's website so no link can be provided.
6. This request was refused on 2 July 2024 as being vexatious under section 14(1) of FOIA.
7. An internal review was requested on 3 July 2024, but no review was provided to the complainant.

### **Third request**

8. On 12 June 2024, the complainant made the following request:

"I believe that I have now gathered overwhelming evidence of the failings of the Humberside police and their breaches of statutory duties in relation to the profession standards and breach of statutory duty and FOIA and DPS breach of statutory duties.

Under the freedom of information act please provide me with the email address of the:

- 1: chief constable;
  - 2: Assistant Chief Constable;
  - 3: Superintendent in charge of PSD;
  - 4: superintendent in charge of FOIA and DPA."
9. This was a follow-on request to a request made by the complainant to the public authority dated 24 May 2024 about notifications made by the public authority to the National Police Chiefs' Council ("NPCC") which was dealt with by the Commissioner in Decision Notice IC-331874-R6H4.<sup>1</sup>
  10. On 2 July 2024, the public authority provided the complainant with an illegible response.
  11. The complainant pointed this out and then immediately afterwards on 2 July 2024 requested an internal review in respect of a different request (which is not the subject of this Decision Notice). The public authority then dealt with that request and internal review.
  12. Following a lengthy email from the complainant pointing out that the third request had not been dealt with, on 17 October 2024, the public authority provided the complainant with a copy of its section 14 response dated 2 July 2024 in respect of the third request.
  13. No internal review was provided to the complainant.

#### **Fourth request**

14. On 12 June 2024, the complainant made the following request:

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<sup>1</sup> <https://ico.org.uk/media2/huslkeu4/ic-331874-r6h4.pdf>

"Following your admission to the world that the Humberside Police have never adhered to the College of Policing authorised professional practice in relation to the requested information.

Under the FOIA please provide me with your FOIA/internal review policies and procedures.

I also request all information that the Humberside Police hold in relation to making a complaint about the fact that the Humberside Police do not adhere to the college of policing APPs in relation to this issue. For example would the requestor have to make a complaint to the ICO or the PSD regarding this matter."

15. This was another follow-on request to a request made by the complainant to the public authority dated 24 May 2024 about notifications made by the public authority to the National Police Chiefs' Council ("NPCC") which was dealt with by the Commissioner in Decision Notice IC-331874-R6H4 – see footnote 1.
16. This request was refused on 2 July 2024 as being vexatious under section 14(1) of FOIA.
17. An internal review was requested on 3 July 2024, but no review was provided to the complainant.

### **Scope of the cases**

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18. The complainant wrote to the Commissioner on 14 September 2024 to complain about the handling of the first and second requests, on 10 October 2024 to complain about the third request, and on 15 January 2025 to complain about the fourth request.
19. Four separate cases were set up by the Commissioner – IC-331875-H4X6, IC-331877-T2F2; IC-331668-JOV1 and IC-355964-X0Q2.
20. The public authority relied on the same section 14 refusal notice dated 2 July 2024 for all four requests.
21. Having reviewed the submissions, the Commissioner is of the view that all four cases should be dealt with in one Decision Notice.

### **Section 14(1) – vexatious requests**

22. The following analysis considers whether the requests were vexatious.

23. 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.
24. The word "vexatious" is not defined in FOIA. However, as the Commissioner's updated guidance on section 14(1)<sup>2</sup> 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.
25. FOIA gives individuals a greater right of access to official information in order to make bodies more transparent and accountable. As such, it is an important constitutional right. Therefore, engaging section 14(1) is a high hurdle.
26. However, the ICO recognises that dealing with unreasonable requests can strain resources and get in the way of delivering mainstream services or answering legitimate requests. These requests can also damage the reputation of the legislation itself.
27. 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*")<sup>3</sup>. Although the case was subsequently appealed to the Court of Appeal, the UT's general guidance was supported, and established the Commissioner's approach.
28. *Dransfield* 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.
29. The four broad themes considered by the Upper Tribunal in *Dransfield* were:
  - the burden (on the public authority and its staff);
  - the motive (of the requester);

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<sup>2</sup> <https://ico.org.uk/for-organisations/dealing-with-vexatious-requests-section-14/>

<sup>3</sup> <https://administrativeappeals.decisions.tribunals.gov.uk/Aspx/view.aspx?id=3680>

- the value or serious purpose (of the request); and
  - any harassment or distress (of and to staff).
30. However, the UT emphasised that these four broad themes are not a checklist and are not exhaustive. It stated:
- “all the circumstances need to be considered in reaching what is ultimately a value judgement as to whether the request in issue is vexatious in the sense of being a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA” (paragraph 82).

### **The public authority's view**

31. It is the view of the public authority that the request is part of an ongoing campaign by the complainant to try to discredit the public authority and its employees.
32. The public authority explained to the Commissioner that the request was part of a pattern of overlapping requests made by the complainant over a number of years, which was disproportionately burdensome to the public authority. The public authority explained that the requests were long, confusing, and overlapping which made them particularly difficult to deal with.
33. The public authority explained that it had put a contact strategy in place to help handle the complainant's ongoing requests and complaints and that strategy had, in turn, prompted a number of requests, including the second request being dealt with in this Decision Notice (which was itself a follow on request previously dealt with by Decision Notice IC-335363-Q8M5).
34. In its representations to the Commissioner, the public authority set out all the requests (30) and internal reviews (20) generated by the complainant from 1 January 2024 to 24 February 2025 and gave details about the burden that the requests and internal reviews had placed on their limited FOI resource.
35. The public authority also explained the negative impact that dealing with the complainant's correspondence had on the provision of FOI services to other requestors.
36. The public authority explained to the Commissioner that in the month of these requests alone (June 2024), the public authority received numerous and voluminous emails from the complainant in respect of complaints, FOI requests and SARs. The volume of emails and the

overlapping and duplication of some of the requests appears to have played a part in the mishandling of the third request where the complainant brought a previous request into correspondence about the third request, which caused confusion and delayed the legible refusal notice being issued.

37. The public authority gave details of the pressure caused by the volume of correspondence received from the complainant and the distress caused to employees by the accusatory tone adopted by the complainant.
38. The public authority is of the view that the complainant will continue to make further requests on the same topics using the same pattern of behaviour and is concerned about the continuing burden that such requests will place on its FOI resource, and also the further distress to be suffered by its employees going forward.

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

39. The complainant is of the view that the public authority has not provided an adequate explanation as to why it considers the requests to be vexatious for the purposes of section 14 of FOIA.
40. The complainant also considers the requests to have a strong value due to the high public interest in uncovering wrongdoing by the police.

### **The Commissioner's decision**

41. 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.
42. In reaching a decision in this case, the Commissioner has balanced the purpose and value of the requests against the detrimental effect of responding to the requests on the public authority.
43. The Commissioner has carefully considered the points made by the complainant and the public authority.
44. The Commissioner is aware of the complainant's ongoing campaign to obtain information in relation to the historic mistreatment of children in detention centres.
45. The Commissioner notes the public authority's comments on the nature and volume of the complainant's correspondence and the belief that

correspondence will continue at the same rate and in the same hostile tone. Indeed, the evidence in the section of this Decision Notice headed "Requests and Responses" showing that the second, third and fourth requests are follow-on requests clearly demonstrates the modus operandi of the complainant.

46. The Commissioner agrees with the public authority that the requests display unreasonable persistence in an effort to push forward a particular agenda in relation to police misconduct. The Commissioner is of the view that the personal nature of the requests, the persistence of the complainant and the fact that the campaign could result in misinformation being disseminated to the public devalues the requests.
47. The Commissioner's view is that the volume of requests and the complainant's language and accusatory tone is causing distress to the staff dealing with the ongoing requests.
48. The Commissioner is aware that the complainant believes that their requests are uncovering valuable information relating to a profoundly serious matter. However, the Commissioner notes that the follow-on requests tend to drift away from the original reason for seeking the information and become personal in nature<sup>4</sup>.
49. The Commissioner considers that a public authority must meet a high bar to demonstrate that section 14(1) of FOIA is engaged. Having reviewed a number of the requests submitted by the complainant over the past 12 months, as well as those which are the subject of this Decision Notice, the Commissioner is satisfied that responding to such requests would likely cause an unjustified level of disruption, irritation, or distress for the staff dealing with the complainant's requests.
50. The Commissioner also notes that the complainant attempts to pursue similar requests when the outcome is already known, which demonstrates an unwillingness to take on board prior responses.
51. From the evidence available to him, the Commissioner considers that the public authority has attempted to respond openly and positively to the complainant and notes that disclosures have been made on several

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<sup>4</sup> <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/section-14-dealing-with-vexatious-requests/how-do-we-consider-burden-motive-and-harassment>



occasions in response to the complainant's requests. However, given the volume of linked or repetitive requests and queries submitted by the complainant, the Commissioner recognises that this pattern of requests is having a significant negative impact on the public authority's ability to carry out its normal duties.

52. In its representations to the Commissioner, the public authority has provided sufficient evidence that these requests have the potential to cause a disproportionate or unjustified level of disruption, irritation, or distress.
53. Therefore, the Commissioner believes that the public authority was entitled to rely on section 14(1) of FOIA to refuse the requests.

### **Procedural matters**

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54. Section 17 of FOIA requires a public authority to issue a refusal notice, stating any exemptions being relied upon to withhold information, within 20 working days. The Commissioner finds a breach of section 17(1) of FOIA in respect of the third request as, whilst a refusal notice was issued on 2 July 2024, it was illegible.
55. The legible refusal notice was issued more than 20 working days after receiving the request.

### **Other matters**

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56. The Commissioner wishes the complainant to note that FOIA provides a right of access to recorded information; this does not extend to the right to ask questions, explanations, clarification of information or debate the contents of information unless the response to those questions, requests for explanation or clarification is already held in recorded form. Furthermore, requests should be clear, and not hostile and derogatory.
57. Therefore, the Commissioner would recommend that the complainant thinks carefully about their approach before submitting requests in future.
58. There is no obligation under FOIA for a public authority to provide an internal review process. However, it is good practice to do so and, where an authority chooses to offer one, the section 45 Code of Practice sets out, in general terms, the procedure that should be followed. The code states that reviews should be conducted promptly and within reasonable

timescales. The Commissioner has interpreted this to mean that internal reviews should take no longer than 20 working days in most cases, or 40 in exceptional circumstances.

59. In respect of these requests, the public authority offered an internal review but failed to provide reviews when requested. The Commissioner reminds the public authority of its obligations pursuant to the section 45 Code of Practice<sup>5</sup>.

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<sup>5</sup> [Freedom of Information Code of Practice - GOV.UK](#)

## **Right of appeal**

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60. 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)

61. 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.
62. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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