

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 24 August 2010

Public Authority: Shotteswell Parish Council
Address: The Old Post Office
Shotteswell
Banbury
Oxon
OX17 1HU

Summary

The complainant requested an inspection of the accounts of Shotteswell Parish Council ("the Council") for the years 2004/2005 and 2005/2006. Following an unsuccessful attempt to arrange a suitable appointment, the Council wrote to the complainant advising him that it believed the request was vexatious. The Commissioner investigated and decided that the request was not vexatious under section 14(1) of the Freedom of Information Act 2000 ("the FOIA"). As the Council also raised issues connected to section 11(1)(b) of the FOIA concerning the practicality of allowing an inspection of the accounts, the Commissioner also considered section 11(1)(b) as part of his investigation. The Commissioner decided that in the particular circumstances of this case, inspection of the accounts would not be reasonably practicable and he therefore requires no steps to be taken. The Commissioner found breaches of 17(5) and 17(7)(a).

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the FOIA. This Notice sets out his decision.

The Request

2. On 21 May 2007, the complainant wrote to the Council stating that he had enclosed a copy of an email he had sent to the Council on 11 May 2007. He stated that he had not received a response. The email dated 11 May 2007 requested information in the following terms

"I would like to make an appointment to inspect the Parish Accounts for the years 2004/2005 and 2005/2006.

I would be obliged if you could provide some dates and times for week commencing 13 May 2007. I have one or two other appointments during that week but if you are able to provide a list of your availability [sic] I would be grateful".

3. On 22 May 2007, the Council replied. The Council explained that it had not received the email dated 11 May 2007 because it had been sent to an account that was closed two years ago. It stated the following regarding inspection of the accounts:

"I can offer you 10am on Friday 25 May 2007, or if you prefer, you may come slightly earlier than the arranged time for the next Parish Council Meeting. If this is not convenient you will have to let me know..."

4. There then followed an exchange of correspondence between the Council and the complainant. This correspondence details the difficulties that both parties experienced in arriving at a mutually acceptable time and date for the inspection. This correspondence culminated in a refusal notice dated 21 July 2007 when the Council wrote to the complainant stating that it considered that the request was vexatious. It explained that it believed that the request had no real purpose or value because the complainant did not know what he was looking for. It also stated that the request was obsessive and manifestly unreasonable because the complainant already had a hardcopy of the accounts. It added that it felt the request formed part of a campaign of harassment against the Council and it referred to the fact that it believed the complainant was acting in concert with another member of the public. The Council noted it had received the same request from another member of the public. The Council did not offer an internal review but it referred to the right to appeal to the Commissioner.

The Investigation

Scope of the case

5. As part of an exchange of correspondence with the Commissioner on a separate complaint, on 3 August 2007, the complainant made the complaint that is the subject of this Decision Notice. He specifically asked the Commissioner to consider whether the Council had correctly refused his request as being vexatious in its refusal notice dated 21 July 2007.
6. At the end of the Commissioner's investigation, the complainant sent in correspondence dated 29 July 2010 in which he attempted to broaden the scope of his complaint quite considerably to cover a number of other requests to the Council. These issues have been excluded from the scope of this complaint because the Commissioner informed the complainant at the start of his investigation that his considerations would be limited to the refusal notice dated 21 July 2007. This was not disputed at the time. He also confirmed the precise details of the request in issue during two telephone conversations with the complainant. During those conversations, the complainant accepted in clear terms that the nature of the request in issue was as described by the Commissioner.

Chronology

7. The requester's complaint was acknowledged by the Commissioner on 15 September 2007. This matter was then set aside by the Commissioner whilst other related complaints were dealt with. Upon resolution of these, it had been assumed by the Commissioner that this particular matter had been dropped by the requester. Regrettably this was not clarified by the Commissioner at the resolution of the related cases and the complainant was not aware of the assumption made. It was therefore only after a further enquiry from the requester that the omission came to light. As a result, an investigation did not begin on this case until 12 March 2010. The Commissioner wrote to the complainant and the Council on 4 March 2010 explaining these circumstances and apologising for the error. The Commissioner recognises the mistakes made in leading up to this point and accepts full responsibility for the delay.
8. On 12 March 2010, the Commissioner wrote to the Council asking it to justify the refusal under section 14(1) of the Freedom of Information Act 2000 (the FOIA"). As a guide, he asked the Council to consider the Commissioner's published guidance on vexatious requests. The

Commissioner also asked the Council to provide a copy of the original request as this had not been provided by the complainant.

9. On 12 March 2010, the Commissioner also wrote to the complainant. The Commissioner explained that he would be considering the Council's refusal notice dated 21 July 2007.
10. On 18 March 2010, the complainant replied to the Commissioner. The complainant made a number of comments regarding his difficulties in inspecting copies of accounts held by the Council. The complainant did not dispute the scope of the Commissioner's investigation.
11. The Council wrote to the Commissioner on 21 April 2010 supplying a copy of a letter which it stated had originally been sent to the Commissioner on 16 March 2010 (this had not been received). It set out background details and arguments supporting its application of section 14(1). The Council provided a copy of two items of correspondence and a copy of an internal auditors report.
12. On 28 April 2010, the Commissioner telephoned the Council to highlight that it had not provided a copy of the original request. The Council explained that it was difficult to locate relevant information because of the age of the case and issues concerning the storage of the documents. The Commissioner agreed that he would ask whether the complainant is able to provide a copy of the request. The Commissioner and the Council discussed the background to the request. The Council explained that it felt it had complied with its obligations because it had given the complainant copies of the relevant information.
13. On 10 May 2010, the Commissioner wrote to the complainant asking him to supply a copy of the original request.
14. On 25 May 2010, the Council telephoned the Commissioner to enquire about progress. The Commissioner explained that he was unable to progress matters because neither party had supplied him with a copy of the original request. The Council rang again later the same day confirming that it believed it had located the original request which it would send to the Commissioner.
15. On 19 May 2010, the complainant wrote to the Commissioner. The complainant supplied a copy of a letter dated 6 June 2007. However, rather than representing his original request, this letter seemed to represent part of the exchange of correspondence that had taken place following the request in an attempt to arrange a mutually acceptable appointment.

16. On 24 May 2010, the Council wrote to the Commissioner. It stated that it had enclosed what it believed to be the original request. It enclosed a letter from the complainant dated 21 May 2007 and a copy of his email dated 11 May 2007 which contained the request. It also enclosed a copy of its response dated 22 May 2007.
17. On 1 June 2010, the Commissioner wrote to the complainant explaining that he believed the original request was contained in the email dated 11 May 2007 rather than in the follow-on letter provided by the complainant dated 6 June 2007. He asked the complainant to confirm that this was correct.
18. On 2 June 2010, the Commissioner wrote to the Council asking it for further information to help him to consider the application of section 14(1).
19. On 4 June 2010, the Council telephoned the Commissioner and discussed, amongst other matters, the difficulties in arranging a suitable inspection.
20. The Council telephoned the Commissioner again on 8 June 2010. The Council again detailed the difficulties involved in allowing an inspection. It particularly stressed that it felt it was unreasonable for the Council to be burdened by having to sit with the complainant for hours while he inspected information that he already had copies of.
21. On 12 July 2010, the Council wrote to the Commissioner supplying further arguments supporting the application of section 14(1). It also provided a number of supporting documents.
22. On 21 July 2010, the Commissioner telephoned the complainant as he had not heard from him in response to the letter dated 1 June 2010. The complainant explained that he had not received the letter because his email address had changed. The Commissioner confirmed verbally with the complainant that the details in the letter accurately reflected the request he wanted to complain about. The complainant confirmed that this was correct. He asked for a further copy of the letter to be emailed to his new email address, which the Commissioner did on the same day.
23. On 28 July 2010, the Commissioner telephoned the complainant again. He explained that he was ringing to ask whether the complainant accepted that he had received hardcopies of the relevant accounts. The complainant stated that he had received information which he described as "spreadsheets", and he then went on to comment that he wanted supporting documentation as well. The Commissioner asked the complainant whether it was only this "supporting documentation"

that he had not been provided with and the complainant confirmed that this was the case. For clarity, the Commissioner understood that by “supporting documentation”, the complainant was referring to documentation of the type described in the quotation from the complainant’s letter given in paragraph 31 of this Notice.

24. On 29 July 2010, the complainant wrote to the Commissioner. He made a number of comments surrounding his concern that the “spreadsheets” provided to him cannot be verified without “back-up” from other supporting documents such as bills, receipts and bank statements. He also attempted to broaden the scope of the complaint to the Commissioner quite considerably by asking the Commissioner to consider other requests. For the reasons set out in the scoping section of this Notice, the Commissioner excluded these requests from his investigation.

Analysis

Substantive Procedural Matters

Exclusion

25. Section 14(1) provides that a public authority does not have to comply with a request for information if the request is vexatious. The Commissioner’s published guidance explains that the term “vexatious” is intended to have its ordinary meaning and there is no link with legal definitions from other contexts (e.g. vexatious litigants). Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. In line with the Commissioner’s guidance¹, when considering whether a request is vexatious, the Commissioner considers the following questions:

- Could the request fairly be seen as obsessive?
- Is the request harassing the authority or causing distress to staff?
- Would complying with the request impose a significant burden?
- Is the request designed to cause annoyance and disruption?
- Does the request lack any serious purpose or value?

26. It is not necessary for all of the above criteria to be met however in general, the more criteria that apply, the stronger the case for arguing

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http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/vexatious_and_repeated_requests.pdf

that a request is vexatious. It is also the case that some arguments will naturally fall under more than one heading.

27. The Council made a number of arguments to the Commissioner, and supplied copies of relevant correspondence, to support its application of section 14(1) of the FOIA. Unfortunately, the Council did not clearly indicate which of its arguments related to each of the questions specified in the Commissioner's guidance. The Commissioner therefore considered the arguments under the headings he thought were most relevant to those arguments. Having considered the arguments, the Commissioner felt that the Council had attempted to argue its case under all of the headings in the Commissioner's guidance. His considerations have been set out below.

Could the request fairly be seen as obsessive?

28. The Commissioner's published guidance explains that when considering any of the questions posed above, a public authority can take account of the wider context and history of the request. It states the following:

"A request may not be vexatious in isolation, but when considering in context (for example if it is the latest in a long series of overlapping requests or other correspondence) it may form part of a wider pattern of behaviour that makes it vexatious".

29. The Council explained that it believes that the complainant's request for copies of the accounts is a continuation of an obsessive pattern of behaviour that began in December 2005. The Council explained that the complainant appears to have been unhappy about matters concerning the provision of a children's play area. It stated that from the end of 2005, the Council's Chairman and the Clerk tried to answer numerous questions that were posed by the complainant about the play area but he began writing to the Council with further requests for information. The Council says that it attempted to answer these but it generated more requests and telephone calls which the Council found burdensome. The Council felt that the complainant had mounted a campaign or "vendetta" against it relating to the play area, involving a number of external organisations. It stated that the complaints were not upheld. There was also a complaint made to the Commissioner regarding requests relating to the play area which resulted in a Decision Notice under section 50(1) of the FOIA (reference FS50120724). This complaint was upheld.
30. The Council also indicated that the complainant had made other requests of a more general nature prior to the request to inspect the

accounts. It stated that these related to issues such as boundary change and planning applications for the past year.

31. The Council's position is that by requesting an inspection of the accounts, the complainant is pursuing a campaign against it, motivated by his grievances connected to the play area. It believes the request is part of the complainant's obsessive desire to cause inconvenience to the Council. The Council has explained that it offered several appointments for the complainant to inspect the accounts but he declined. It also explained that it had proved difficult to understand precisely what documentation the complainant wished to see as it appeared that he actually required more documentation than simply the "accounts" mentioned in the request. The Council also anticipated that the inspection was likely to be time-consuming and burdensome, in view of its limited resources as a small Parish Council and the fact that it does not have any council offices. All records are held at the Clerk's home. The Council referred to a letter written by the complainant dated 21 June 2007 stating the following:

"I would suggest that 10am would be a convenient starting time with sufficient time during the rest of the day...I anticipate a minimum of two hours to view and make copies of all income and expenditure for 2005/2006. It should be inclusive of all invoices, both received and issued, relating to contracts, standing orders, VAT, output and input, internal Auditor's report, etc in accordance with Clause 18.8. Local Council Administration, C. Arnold-Baker, in other words, comprehensive income and expenditure for that year".

32. The Council also mentioned in its refusal notice and in correspondence to the Commissioner that it is clear that the complainant is acting in partnership with another member of the public who has countersigned correspondence from the complainant. It believes this is further evidence of an obsessive campaign to inconvenience the Council. At the time of the refusal notice, the Commissioner has seen evidence that a similar refusal notice was also sent to the other member of the public of the same date relating to the same request for inspection of the accounts.
33. The Council explained to the Commissioner that it believed the request was obsessive because of the lengths the complainant was prepared to go to in pursuing his campaign. It referred to a meeting that had taken place on 28 June 2007 and events at and following that meeting which were distressing.
34. The Council also suggested that the request was obsessive in view of the circumstances surrounding the availability of the information and

its reasonable transparency concerning it. It appears that by the time of the request, the complainant had already been provided with hardcopies of the relevant accounts (this is referred to in the refusal notice and in a letter from the Council to the complainant dated 24 May 2007). In the letter dated 24 May 2007, the Council stated the following:

"The period of accounts you wished to view have already been passed by the Parish Council and have been audited by the external audit... You have already received a copy of the accounts handed out at the annual parish meeting and they were displayed on the Parish Council notice board for some considerable time".

35. On the subject of the issues concerning the play area, the Commissioner has issued a separate Decision Notice under section 50(1) relating to requests concerned with the play area (FS50120724). The Commissioner notes that this Decision Notice upheld the complainant's complaint and he particularly notes that in the "Other Matters section", the Commissioner was critical of the Council's handling of the request and its cooperation with his investigation. This may suggest that the complainant had to be persistent in the pursuit of issues with the Council regarding the play area. Further, the Commissioner was not persuaded that the correspondence and the requests relating to the play area or other matters could be linked in the way described by the Council to the request to inspect the accounts. On the face of it, they seem to be separate matters, each having caused their own difficulties. The Commissioner invited the Council to demonstrate how the issues could be linked but he did not consider that the Council provided evidence or convincing argument to support its claims that the request represented a continuation of an obsessive pattern of behaviour.
36. The Commissioner also considered whether the request to see the accounts could be seen as obsessive in its own right. He asked the Council to provide copies of its correspondence with the complainant relating to accounts. It would appear from the correspondence sent by the Council that the request on 21 May 2007 represented the first time that the complainant had made a written request to inspect the accounts. The correspondence following this up until 20 working days after the request mainly concerned the difficulties in arranging a suitable appointment. Although the Commissioner can appreciate that the nature of this contact may have been frustrating, compounded by the difficult relationship between the two parties that already existed, he does not consider that the difficulties experienced in arranging a suitable appointment were in themselves sufficient to deem the request "obsessive".

37. Regarding the meeting on 28 June 2007, the Commissioner is not able to take this into account. The Commissioner is limited to considering the circumstances up until the time for compliance with the request as laid down by the FOIA (this is 20 working days following receipt of the request).
38. Regarding the other ways that the information has been made available by the Council, the Commissioner can appreciate that it does appear that the Council was, at the time of the request, already reasonably transparent about its accounts. As noted in paragraph 23 of this Notice, when the Commissioner asked the complainant whether he was satisfied that he had received hardcopies of the relevant accounts, he confirmed that he had received "spreadsheets" and that what was outstanding was relevant "supporting documentation". On this point, the Commissioner did not consider that the terms of the request that is the subject of this complaint covered any "supporting documentation" as this was not specified. Further, he notes that in the Council's letter to the complainant dated 24 May 2007 referred to in paragraph 34, it stated that the information had also been displayed on the parish notice board for a considerable period of time.
39. Despite the above considerations, the Commissioner did not consider that asking for an inspection in itself was enough to make the request obsessive. Section 11(1)(b) of the FOIA specifically provides that a complainant may express a preference for communication by any one or more of "the following means". One of the means described under section 11(1)(b) is:
- "the provision to the applicant of a reasonable opportunity to inspect a record containing the information..."*
- As the FOIA itself specifically provides for an opportunity to request an inspection, although the value of it may be reduced or debatable in these circumstances, the Commissioner would not go as far as to say that expressing a preference that is mentioned in section 11(1) of the FOIA can, in certain circumstances, mean that a request is obsessive.
40. For the reasons described above, the Commissioner was not persuaded that the request could fairly be described as obsessive.

Is the request harassing the authority or causing distress to staff?

41. This question is concerned with establishing whether the request had a harassing *effect* on the Council's staff regardless of whether or not that was the complainant's intention. It is important to note however that

the test is an objective one and relates to whether or not it was reasonable for the authority to perceive the request as harassing or distressing.

42. It appeared to the Commissioner that the arguments described above were also put forward in answer to the question of whether the request was harassing the authority or causing distress to staff. For the same reasons as set out above, the Commissioner was not satisfied that these arguments represented satisfactory evidence or argument to demonstrate that the requests were harassing or causing distress to staff.
43. The Council also referred the Commissioner to a particular document. As the Council did not provide any context to this document, it was not clear who it was written by or to or why it was in the Council's possession, but it was dated 31 March 2006 and concerned the Council's actions in respect of the play area. The document contained a number of redactions but it was not clear why. The Council said it had provided this document to the Commissioner as evidence that the intention was to get the Council's staff to resign. It also stated that it felt the document contained defamatory remarks but it neglected to tell the Commissioner which remarks it was referring to in particular.
44. Regarding the document referred to in the paragraph above, the Commissioner found this unconvincing evidence of a harassing effect caused by the request for a number of reasons. To begin with, the context of the document was unclear because no explanation of it was provided. It also concerned issues regarding the play area as opposed to the accounts. The Commissioner has already explained in the previous section of this Notice that he does not accept that the two issues can be linked in the way suggested by the Council.
45. The Council did not point towards any other examples of a harassing tone in the exchange of correspondence that had taken place about inspecting the accounts. As already stated, the Commissioner can see that the exchange was difficult, but he did not see any clear examples of a harassing tone.

Would complying with the request impose a significant burden?

46. As already described, the Council is a small Parish Council with no office, very limited funds, no paid staff and no office equipment. All records are stored at the Clerk's home. Although the information has already been made available to the complainant, it appears that he would still require a relatively significant amount of time to view the accounts and to make copies. It is also apparent that the complainant

and the Council have a difficult relationship. In view of these circumstances, the Commissioner accepts that compliance with the request would have caused a significant burden to the authority.

47. The Council made comments to the Commissioner regarding the expense it had incurred following questions put to the auditor, however, due to the limited details provided about this (in particular when this expense was incurred), the Commissioner was unable to determine the relevance of this argument.

Is the request designed to cause annoyance and disruption?

48. This question necessitates evidence to demonstrate it was the specific intention of the complainant to cause annoyance and disruption.
49. The Council argued that the request was designed to cause maximum inconvenience to the Council and it pointed towards the document discussed in paragraph 43 of this Notice. It referred in particular to part of this document that it felt indicated that the motivation behind the request was to get the Council's staff to resign. For the reasons already described, the Commissioner has given no weight to this document because the context of it is unclear. Further, it relates to the play area rather than issues connected with the accounts. The Commissioner has described that he is not satisfied that these issues can be linked in the way argued by the Council.
50. The Commissioner was not persuaded that he was presented with any evidence or argument demonstrating that it was the complainant's specific intention to cause annoyance and disruption.

Does the request lack any serious purpose or value?

51. The Council argued that the request lacked any serious purpose or value because the complainant could not account for why the inspection was required. It also argued that the request lacked serious purpose or value because the information had already been made available to the complainant.
52. It appears, as the Council says, that the complainant does not have any particular reason for desiring an inspection of the accounts. As the Commissioner understands it, it is more a matter of principle that he feels he should be allowed to see them. He also appears to have believed that his request was broad enough to cover any "supporting documentation", which the Commissioner's disagrees with. As it appears that the complainant already has hardcopies of the information he asked for, the Commissioner considers that the value of the request

is reduced. Despite this, as described in paragraph 39, the Commissioner accepts that the FOIA specifically makes provision to allow requesters to express a preference to inspect information. The Commissioner considers that he must therefore accept that the request had a serious purpose and value, because the complainant was seeking to exercise his right to express a preference under section 11(1) of the FOIA.

Was the request vexatious under section 14(1)?

53. Having considered the circumstances of this request, the Commissioner was ultimately not persuaded by the arguments and evidence presented by the Council that the request was vexatious.

Section 11(1)(b)

54. Section 11(1) provides that if a requester expresses a preference for communication of information by the provision of a reasonable opportunity to inspect a record containing the information, a public authority shall "so far as reasonably practicable" give effect to that preference.
55. Although the Council has not specifically referred to section 11 of the FOIA, the Commissioner has decided that it is appropriate in the circumstances to consider it. This is because the Council has made comments to the Commissioner that the Commissioner feels relate to this section and he has also had regard to the fact that the Council is small Parish Council which may lack detailed knowledge of the legislation.
56. This provision is only relevant in circumstances where a requester expresses a preference at the time of the request. Having considered the terms of the original request, it is clear that the complainant expressed a preference to inspect the accounts.
57. This section of the FOIA makes clear that requesters do not have a guaranteed right to inspect the information under the terms of the FOIA. It is limited by the condition that they may inspect the information so far as it is "reasonably practicable" for them to do so.
58. The Commissioner has published guidance on section 11(1) ² and this states the following:

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http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/meansofcommunication.pdf

"The authority only needs to agree to an applicant's preference 'so far as is reasonably practicable'. For example, in the case of a parish or community council which does not have its own premises, the public authority can provide the applicant with the information by any other means which are reasonable in the circumstances."

59. In line with his guidance above, the Commissioner has decided that as the Council does not have its own premises and it is clear that a difficult relationship has developed between itself and the complainant, the Commissioner considers that it was reasonable in the circumstances for the Council to make the information available to the complainant by other means. As already noted, it appears that the complainant had already been provided with hardcopies of the accounts and they had been displayed on the notice board.

Procedural Requirements

60. As the Commissioner considers that it was not reasonably practicable to allow the complainant to inspect the information in the circumstances, and it had already provided the information requested, the Commissioner considers that the Council did not breach its obligation under section 1(1)(b).
61. The Council breached section 17(5) of the FOIA for failing to supply the complainant with a notice stating that it was relying on section 14(1) of the FOIA within 20 working days of receipt of the request.
62. The Council also breached section 17(7)(a) because in its refusal notice dated 21 July 2007, the Council did not refer to any procedure provided by it for dealing with complaints about the handling of requests nor did it state that it did not operate such a procedure.

The Decision

63. The Commissioner's decision is that the public authority dealt with the following elements of the request in accordance with the requirements of the FOIA:
- It did not breach its obligation under section 1(1)(b) to communicate the requested information because it had already supplied it and it was not reasonably practicable under section 11(1)(b) of the FOIA to allow the complainant to inspect it.

64. However, the Commissioner has also decided that the following elements of the request were not dealt with in accordance with the FOIA:

- The Council incorrectly judged that the request was vexatious under section 14(1) of the FOIA.
- The Council breached section 17(5) of the FOIA because it failed to rely on section 14(1) within 20 working days of the request.
- The Council breached section 17(7)(a) for not setting out the details of its internal review procedure or stating that it did not operate such a procedure.

Steps Required

65. The Commissioner requires no steps to be taken.

Right of Appeal

66. 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,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: informationtribunal@tribunals.gsi.gov.uk.

Website: www.informationtribunal.gov.uk

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.

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

Dated the 24th day of August 2010

Signed

**Gerrard Tracey
Principal Policy Adviser**

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Legal Annex

General Right of Access

Section 1(1) provides 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.”

Time for Compliance

Section 10(1) provides that –

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

Means by which communication can be made

Section 11(1) provides that –

“Where, on making his request for information, the applicant expresses a preference for communication by one or more of the following means, namely –

- (a) the provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant,
- (b) the provision to the applicant of a reasonable opportunity to inspect a record containing the information, and
- (c) the provision to the applicant of a digest or summary of the information in permanent form or in another form acceptable to the applicant.

The public shall so far as is reasonably practicable give effect to that preference.”

Section 11(2) provides that –

“In determining for the purposes of this section whether it is reasonably practicable to communicate information by a particular means, the public authority may have regard to all the circumstances, including the cost of doing so”

Section 11(3) provides that –

“Where a public authority determines that it is not reasonably practicable to comply with any preference expressed by the applicant in making his request, the authority shall notify the applicant of the reasons for its determination

Section 11(4) provides that –

“Subject to subsection (1), a public authority may comply with a request by communicating information by any means which are reasonable in the circumstances.”

Vexatious or Repeated Requests

Section 14(1) provides that –

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

Refusal notice

Section 17(5) provides that –

“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.”

Section 17(7) provides that –

“A notice under section (1), (3) or (5) must –

- (a) contain particulars of any procedure provided by the public authority for dealing with complaints about the handling of requests for information or state that the authority does not provide such a procedure, and
- (b) contain particulars of the right conferred by section 50.”