

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 13 December 2011

**Public Authority:** Sunderland City Council  
**Address:** Civic Centre  
Burdon Road  
Sunderland  
SR2 7DN

#### Decision

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1. The complainant has requested a specific piece of information relating to speed camera signage from Sunderland City Council ('the council').
2. The Commissioner considers that this request relates to the same matter as a previous decision notice<sup>1</sup> and therefore the analysis and conclusions reached in that previous notice are applicable in this instance.
3. The Commissioner's decision is that the council was correct to apply the vexatious exclusion to this request.
4. The Commissioner requires no steps to be taken.

#### Request and response

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5. On 8 September 2011, the complainant wrote to the council and requested information in the following terms:
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<sup>1</sup> Reference FS50281665, on the ICO website:  
[http://www.ico.gov.uk/tools\\_and\\_resources/decision\\_notices.aspx](http://www.ico.gov.uk/tools_and_resources/decision_notices.aspx)

"So, I now make a request under the FOIA 2000 for a works order issued to Sunderland City Council's PFI partners Aurora Street Lighting on the 14/11/07 to erect an 880 warning sign on pole FN 616."

6. The council responded on the same day. It noted that the complainant was again embarking on a line of enquiry that was closed some time ago. It stated that the complainant's previous approach to the Commissioner, under reference FS50281665, involved a request for all relevant paperwork associated with the erection of signs enquired about, which would clearly include the work order requested again. It stated that its response in that previous case was that repeated requests for the impossible, i.e. more information than was held, were vexatious. It explained that for the complainant to ask again for one item from within a category of items the continued requesting of which had already been ruled vexatious must also be vexatious in its own right. The council explained that it did not propose to revisit its position in this matter other than to confirm that all information held by the council in relation to signage at the site in question has been provided. It further explained that the substance of the request is as vexatious as that involved in case FS50281665, possibly more so in all of the circumstances, and it was therefore similarly refused. The council stated that it would not offer a review of the request and would not enter into further correspondence on the matter.

### **Scope of the case**

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7. The complainant contacted the Commissioner to complain about the council's refusal to provide the requested information. He stated that he requested the information in March/April 2008 and the council had still not complied with the request.
8. The Commissioner considered whether the council were correct to treat the request as vexatious.

### **Reasons for decision**

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9. Section 14 of FOIA states that a public authority is not obliged to deal with a request for information if the request is vexatious.
10. As stated in paragraphs 2 and 6, the Commissioner issued a decision notice relating to a request which includes the same information as the request in this decision notice. That previous decision notice found that the council had correctly applied the vexatious exclusion at section 14(1).

11. The Commissioner is aware that the complainant became involved in a dispute with the council after receiving a speeding penalty charge on 5 May 2007 through a safety camera operated by the local Safety Camera Partnership, of which the council is a member. The penalty was unsuccessfully challenged in the Magistrates Court. Subsequently the complainant made requests for information and allegations regarding the validity of the safety camera signage which escalated to claims of conspiracy.
12. The Commissioner considers that as this request represents a continuation of the complainant's previous correspondence with the council about the same issue, the analysis and conclusions set out in the previous decision notice are also applicable in this instance. For brevity, the Commissioner will not reproduce the content of that decision notice here but he has adopted the analysis and concluded that the council correctly applied the vexatious exclusion to this request.

## **Other matters**

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13. Although they do not form part of this decision notice the Commissioner wishes to highlight the following matters of concern.

Section 50(1) of the Act requires the Commissioner to make a decision in relation to complaints he receives about public authorities' compliance with the Act when dealing with requests for information. However, under section 50(2)(c) the Commissioner has the right to refuse to make a decision if it appears to him that a particular application is frivolous or vexatious.

As outlined in this decision notice, the Commissioner has upheld the council's decisions to deem requests of a similar nature vexatious.

In view of the findings of this decision notice and that in the case of FS50281665, the Commissioner considers that the complainant has sought to use requests for information and subsequent complaints to the Commissioner as a means of pursuing his grievance against the Council. The Commissioner believes this represents a pattern of vexatious behaviour. In future the Commissioner will consider whether it is appropriate for him to exercise his discretion under section 50(2)(c) to refuse to make a decision in relation to any complaint about a request of a similar nature from the complainant.

## **Right of appeal**

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14. 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: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

15. 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.
16. 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** .....

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