

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 23 May 2016

**Public Authority:** Leeds City Council  
**Address:** Civic Hall  
Calverley Street  
Leeds  
LS1 1UR

#### Decision (including any steps ordered)

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1. The complainant has requested information regarding equality impact assessments in respect of grants received by the museum service since 2011 and information regarding plans to spend Arts Council England funding received by the museum service under the Major Partners Programme. The Commissioner considers that these requests relate to the same matter as a previous decision notice<sup>1</sup> and that the analysis and conclusions reached in that previous notice are applicable in this instance. The Commissioner's decision is that Leeds City Council has correctly applied the vexatious provision at section 14(1) of the FOIA. He does not require any steps to be taken.

#### Request and response

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2. On 28 January 2016, the complainant wrote to Leeds City Council ('the council') and requested information in the following terms:

"All documents comprising the delegated decision reports describing the plans to spend the ACE funding received by the museum service under the Major Partners Programme."

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<sup>1</sup> Case reference FS50614757

"All equality impact screening tools and/or equality impact assessments completed in respect of grants received by the Museum Service since 2011."

3. The council responded on 1 February 2016 and refused to provide the requested information citing the vexatious provision at section 14(1) of the FOIA. It said that the complainant is either the same requester that the council has previously declared as vexatious under section 14(1), or that he is acting in concert with the said requester. It said that if the complainant is dissatisfied with its decision, he can ask that it be reviewed by the Information Commissioners Office. It also said that it does not intend to correspond further on this matter.

### **Scope of the case**

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4. The complainant contacted the Commissioner on 2 February 2016 to complain about the way his request for information had been handled.
5. The Commissioner has considered whether the council has correctly applied section 14(1) of the FOIA to the request for information.

### **Reasons for decision**

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6. Section 14(1) of FOIA states that section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious. There is no public interest test.
7. In this case, as noted above, the council's response said that the complainant is either the same requester that the council has previously declared as vexatious under section 14(1), or that he is acting in concert with the said requester.
8. In response to the Commissioner's enquiries in this case, the council noted that part of the request is word for word the same as that made by a complainant in another case. That request was refused as vexatious and a complaint was made to the Commissioner. The Commissioner has upheld that refusal in the decision notice for that case (reference FS50614757).
9. The council also said that the two complainants have a pre-existing relationship, as the complainant in this case supplied a reference for the complainant in case reference FS50614757 when he applied for a position at the council.

10. The Commissioner's considers that if a public authority has reason to believe that different requesters are acting in concert as part of a campaign then it may take this into account when determining whether any of those requests are vexatious.
11. Given that the part of the request in this case is identical to the request in case reference FS50614757, and that the other part relates to the same issue as that in case reference FS50614757, together with the council's knowledge of a pre-existing relationship between the two parties, the Commissioner considers that the council has sufficient evidence to substantiate a claim of a link between the requests. The Commissioner also notes that the request in this case was made two days after the refusal notice was issued for the request in case reference FS50614757 and the complaints to the Commissioner were made on the same day.
12. The Commissioner therefore considers that the council was correct to refuse to deal with the request in this case under section 14(1) for the same reasons as those stated in the decision notice for case reference FS50614757 because the aggregated impact of dealing with the requests would cause a disproportionate and unjustified level of disruption, irritation or distress. 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.

## Right of appeal

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13. 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: 0870 739 5836

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

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

14. 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.
15. 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** .....

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**