

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 July 2023

Public Authority: Roehampton Church School
Address: Holy Trinity Vicarage
7 Ponsonby Road
SW15 4LA

Decision (including any steps ordered)

1. The complainant requested from Roehampton Church School (“the School”) copies of the annual accounts and meeting minutes from 2018 to the date of the request. The School responded by stating that the request was a repeat of another request recently received and cited section 14(1) of FOIA (vexatious request) to refuse the request.
2. The Commissioner’s decision is that the School has failed to provide sufficient evidence to support its claim that section 14(1) of FOIA is engaged.
3. The Commissioner requires the School to take the following step to ensure compliance with the legislation.
 - Either disclose the withheld information or issue a fresh response to the request that does not rely on section 14 of FOIA.
4. The School must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 17 February 2023, the complainant made the following request for information:

“Please provide me with the following information, by return email and in electronic format:

- School annual accounts from 2018 to present date
- Board of Governors meeting minutes from 2019 to present date
- Finance committee minutes of meetings from 2019 to present date
- Personnel committee minutes of meetings from 2019 to present date
- Curriculum committee minutes of meetings from 2019 to present date
- Minute of any extraordinary general meetings from 2019 to present date

Please provide this information within 20 school days and confirm receipt of this email.”

6. The School responded on 21 February 2023 stating that the request was a repeat of another recent request and was therefore treating it as vexatious.
7. The School reiterated its response on 2 and 17 March 2023.

Scope of the Commissioners investigation

8. The complainant contacted the Commissioner on 7 April 2023 regarding the way the School had handled their request for information.
9. The complainant had received a response to their initial request from the School advising them that its policy of non-response to general

information requests from them still stands and as per that policy, they would not be responding to this latest request.

10. The School went on to explain that the request the complainant had made on behalf of a third party, of which this decision notice is concerned, was essentially the same request they had recently made on their own behalf and therefore its policy of non-response was upheld for the second request.
11. The focus of the Commissioner's investigation is to consider whether the School were entitled to rely on section 14(1) of FOIA to refuse the request.

Reasons for decision

Section 14(1) – vexatious requests

12. 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.
13. The word "vexatious" is not defined in FOIA. However, as the Commissioner's updated guidance on section 14(1)¹ 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.
14. 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.
15. 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.

¹ <https://ico.org.uk/for-organisations/dealing-with-vexatious-requests-section-14/>

16. In regard to the request the School has said:

“(Person A) inquiries have a long history behind them, and they appear hitherto to have, albeit grudgingly, accepted that they are the subject of a communications plan.

On the other hand (Person B) has not previously made requests of the school; however, their requests appear to be simply and solely a repetition of (Person A’s) requests.”

17. In their correspondence with the Commissioner the School stated:

“the key reason why we are reluctant to divert the precious resources of the school staff into responding to (Person B’s information request is precisely that it is a repetition of a request recently made by (Person A), to which the school has declined to respond.” And “The school's view is that (Person A) submitting this complaint on behalf of (Person B) is further evidence that the two are collaborating, so that the request made on 17th February can be treated as identical to the request submitted on 6th February. On this basis we think it was reasonable for us not to respond to the request submitted on 17th February.”

18. The Commissioner pointed out to the School that the restrictions placed on the complainant were put in place several years ago by a previous Headteacher and had not been revisited or reconsidered since. Despite that, several requests under the Data Protection Act (DPA) had been complied with, and there was a clear disparity between the School’s approach to FOIA requests from the complainant.

19. The Commissioner also pointed out that the type of information being requested is that that should be included within a publication scheme and made readily available for public scrutiny. It was pointed out that the School is obliged to have an easily accessible publication scheme, however, this does not appear to be evident.

20. In the circumstances of this case, and on the basis of the evidence provided during the Commissioner’s investigation, the Commissioner is not satisfied that the School was entitled to rely on Section 14(1) of the FOIA to refuse the request as vexatious.

Other matters

21. The Commissioner notes that the School indicated that the request was “a repeat of another request recently received” and it was on this basis it deemed it to be vexatious.
22. It should be noted that where a public authority considers it to be a repeat request section 14(2)² may be applicable. However, it is important to remember that it is only a repeat request where the information has been disclosed.

² <https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/freedom-of-information-and-environmental-information-regulations/dealing-with-repeat-requests/>

Right of appeal

23. 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

24. 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.
25. 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

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
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SK9 5AF