

Freedom of Information

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- DCA surprised at commercial bias in FOI requests, p. 14
- FOI boosts Record Management, p. 15
- MPs must release travel expenses, p. 16

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Local authority correct to treat requests as vexatious

The Information Commissioner, in its first decision on vexatious and repeated requests, found in favour of the public authority that applied the exemption.

The case arose from several requests made of Birmingham City Council for access to information relating to green spaces, parks and rights of way.

The complainant had made 27 “largely thematic” requests for information in March 2005, and was advised by the Council that it was considering applying the exemption in section 14 of the Freedom of Information Act—which states that a public authority is not

obliged to comply with a request for information “if the request is vexatious.”

On 15th April 2005, the Council advised the complainant that in the light of the fact that he had made 49 logged requests over the preceding four months, of which 22 had previously been complied with, it was refusing 25 of the latest 27 requests on the ground that they were vexatious (the remaining two were rejected for other reasons).

The complainant then submitted a further 11 “largely thematic” requests. When its requests were not dealt with, the complainant appealed to the Commissioner.

The Commissioner applied the *Freedom of Information Act 2000 Awareness Guidance No. 22: Vexatious and Repeated Requests*, which states that, “...Effect will need to be considered as well as intention. Even though it may not have been the explicit intention of the applicant to cause inconvenience or expense, if a reasonable person would conclude that the main effect of the request would be disproportionate inconvenience or expense, then it will be appropriate to treat the request as being vexatious.”

The Commissioner considered whether the Council had demonstrated that the

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Media perspective on FOI

David Hencke, Westminster correspondent of *The Guardian*, has stated that he sees several key benefits of Freedom of Information law in the UK.

Speaking at the 2nd Annual Freedom of Information Conference in London on 7th February, Mr Hencke said that the Act has had an enormous impact on journalists.

“The atmosphere in government has changed from an obstructive view to a

more positive view of giving up information,” he said.

Mr Hencke, who was an independent member of the Department for Constitutional Affairs Advisory Group on Implementing the Freedom of Information Act, said that the main benefits of FOI are that:

- people now think before they commit information to paper;
- information is now

actually available (such as who comes to dinner at Chequers, and how farm subsidies function);

- ‘history’ is more accessible; and
- there is a greater level of accountability to the public.

The Guardian, with Mr Hencke playing a significant role, campaigned for several years in favour of

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