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Mr F Robinson
19 Lime Grove
Seaforth
Liverpool
L21 3TT

Our Ref: S/IC/FOI(19) – Log No. 1086

Date: 13 March 2009

Dear Mr Robinson

Internal Review under the Freedom of Information Act 2000

You have asked for a review the LSC's response to your request for information originally submitted on 19 November 2008.

My role in conducting this review is to determine whether the Commission has complied with the requirements of the Freedom of Information Act ("FOIA"). In doing this I can confirm that your correspondence, the responses from the Commission and the contents of the FOIA have been fully considered in reaching my decision.

The FOIA provides a right of access to information held by public bodies, such as the Commission, unless the Act itself states that the information should not be provided. The starting point is therefore that information should be made available to members of the public.

Your original request made on 19 November 2008 was as follows:

"Will you confirm or deny a clients public funding can be withdrawn by the application of the client solicitors for their fees."

On 12 December we wrote to you, regarding this matter and another request, stating:

"We are unable to ascertain exactly what you require"

On 19 December we again wrote to you seeking clarification regarding the nature of your request. I do not consider that your response of 3 January 2009 provided the necessary clarification.

On 11 January you wrote to us stating:

"I REQUEST AN INTERNAL REVIEW."

You provided no explanation or reasons why you believed a review was appropriate at this time, however, you followed this up by sending us two long emails on 24 January and a further lengthy email on 25 January detailing your disputes with Sefton BC and your previous solicitors going back approximately a decade.

None of this information was, however, relevant to the matter in hand i.e. the subject of the FOIA request.

In an attempt to clarify matters the history of your application was reviewed again and the reviewer took, what can be best described as an educated guess at ascertaining what specific information you were seeking. An email was sent to you on 27 January including the following:

“You asked:

Will you confirm or deny a clients public funding can be withdrawn by the application of the client solicitors for their fees?”

In response I am taking the opportunity of enclosing a copy of the criteria relevant to the withdrawal of funding. I trust that this deals with your question.”

On the 11 February 2009 you sent an email going into further details regarding your dispute with your former solicitors and stated:

“AS YOU KNOW, USING AN UNSIGNED STATEMENT COMPOSED WITHOUT MY KNOWLEDGE OR CONSENT, MY SOLICITORS OBTAINED LEGAL AID ON MY BEHALF AND THEN SPENT IT OUTSIDE OF THE TERMS OF THE CERTIFICATE AND, SUBSEQUENTLY HAD TO PAY MOST OF IT BACK TO THE COMMISSION.

IN THE LIGHT OF THE ABOVE, I DO NOT SEE IN YOUR DOWNLOAD ANY ANSWER TO MY FOI REQUEST.”

I am satisfied that you have been provided with the information you requested under the FOIA as you have been provided with a copy of the criteria covering the discharge of legal aid certificates. As I have indicated the act requires public bodies to disclose “**information**” on request. The FOIA, at section 84, defines “information” as “information recorded in any form”. This indicates that the “information” must be something that is held by the Commission i.e. something “recorded” i.e. in this case the criteria referred to above.

From the contents of your emails of 24 and 25 January and the information you have supplied in support of your request for an internal review it is apparent that the real purpose of your request is to re-open previous complaint you have made about the solicitors that acted for you in this matter under a legal aid certificate.

I note that over the past 8 years you have written numerous letters of complaint regarding your disputes with your former solicitors and the conduct of the Liverpool Regional Office. Your complaints have been fully investigated by the Commission and a substantive response was provided by the Commission’s Policy and Legal Department as long ago as January 2003. In fact this complaint response dealt specifically with the issue of the discharge of your legal aid certificate. I appreciate that the issues involved are important to you, however, I am satisfied that the LSC has thoroughly dealt with this matter.

You also attempted to reopen this matter using the provisions of the FOIA in December 2007. As our email of 27 January stated "As previously indicated the FOIA cannot be used as a mechanism to reopen complaints that have been dealt with and closed. The FOIA deals with the provision of recorded information that is held by a public authority. Correspondence headed "Freedom of Information Request" will not lead to the re-opening of complaints investigated some six years ago."

I also note that you have received all copies of documents relating to your legal aid certificate following your request under the Data Protection Act. The Commission has provided you with all papers and information that you are legally entitled to.

Having considered this matter in detail I am satisfied that your application has been dealt with correctly under the terms of the FOIA.

I would also like to take this opportunity to advise you that under Section 14 of the FOIA requests for information that are considered "vexatious" may be refused. The Information Commissioner's Office has issued guidance on this issue which is available at: http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_application/awareness_guidance_22_vexatious_and_repeated_requests_final.pdf

In particular I would refer you to page four. On this occasion I have not classified your request as "vexatious" however I must advise you that future, similar, attempts to reopen your matter made under the auspices of a FOIA request are likely to be considered as such and refused on that basis.

If you remain concerned that your request was not dealt with in accordance with the Act, you may write to:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely



Ruth Wayte
Legal Director