



Home Office

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London SW1P 4DF [www.gov.uk](http://www.gov.uk)

Wayne Pearsall  
[request-369735-  
69476b99@whatdotheyknow.com](mailto:request-369735-69476b99@whatdotheyknow.com)  
6 March 2017

Dear Mr Pearsall

**Freedom of Information request (our ref. 41790): internal review**

I am responding to your e-mail of 22 November 2016, in which you asked for an internal review of our response to your Freedom of Information (Fol) request about the Home Office Subject Access Request (SAR) guidance. I apologise for not having done so sooner.

I have now completed the review. I have considered whether the correct procedures were followed and assessed the reasons why your request was declared vexatious. I confirm that I was not involved in the initial handling of your request.

My findings are set out in the attached report. My conclusion is that the original response was correct. The reasons for which can be found in the enclosed report.

Yours sincerely

Martin Riddle  
Information Rights Team

Switchboard 020 7035 4848  
E-mail [FOIRequests@homeoffice.gsi.gov.uk](mailto:FOIRequests@homeoffice.gsi.gov.uk)

Internal review of response to request under the Freedom of Information (Fol) Act 2000 by Wayne Pearsall (reference 41790)

**Responding Unit: Knowledge and Information Management Unit (KIMU)**

### **Chronology**

Original Fol request: 8 November 2016

Acknowledgement: 8 November 2016

KIMU response: 22 November 2016

Request for internal review: 22 November 2016

### **Subject of request**

1. On 8 November 2016, Mr Pearsall submitted a request asking the Home Office for a copy of:
  - “1. all current guidance used for subject access requests.
  2. All information held on deciding what sars should be fast tracked.
  3. All info relating to what sars will be processed by your department free of charge.”

### **The response by KIMU**

2. Mr Pearsall was informed that the Home Office refused the request under section 14(1) (vexatious requests)

### **Request for an internal review**

3. Mr Pearsall asked for an internal review. He disagreed the request was vexatious as he had not submitted an FOI request to the Home Office in over a year.

### **Procedural issues**

4. The request was received on 8 November 2016 and a response was issued on 22 November 2016. This represents a period of 14 working days receipt of the request and the response being issued. The response was inside the target deadline of 20 working days as specified in section 10(1) of the Act.
5. Mr Pearsall was informed in writing of the right to request an independent internal review of the handling of the request, as required by section 17(7)(a) of the Act. The response also informed Mr Pearsall of his right of complaint to the Information Commissioner, as set out in 17(7)(b) of the Act.

### **Consideration of the response**

6. In Mr Pearsall's request for this internal review, he states that: *'vexatious and exactly how can you claim this? This is the only foi I've sent you in over a year'*. I should make it clear that the volume of requests submitted by an individual is by no means the sole reason a request can be refused as vexatious. It may be a factor, but not the only one or indeed the

most important one. The Information Commissioner's guidance on vexatious requests (at <https://ico.org.uk/media/1198/dealing-with-vexatious-requests.pdf>) suggests 13 indicators to be used in assessing whether a request is vexatious.

7. In this instance, the Home Office decided that the request was vexatious primarily in line with the "unreasonable persistence" indicator. Unreasonable persistence relates to when:

*"The requestor is attempting to reopen an issue which has already been comprehensively addressed by the public authority, or otherwise subjected to some form of independent scrutiny"*

8. Mr Pearsall previously made a Subject Access Request to the Home Office. He was unhappy with the outcome of the request and eventually took the Department to the High Court. The Home Office believes that this FOI request is an attempt to re-open the issue with the SAR and lacks value or purpose. The Home Office therefore considered the request vexatious. This internal review maintains that position.

### **Conclusion**

9. There was no procedural breach of section 10(1). The response was issued within 20 working days.
10. Section 14(1) was correctly cited.
11. I am satisfied there was no procedural breach of section 17(7)(a) or 17(7)(b).

**Information Rights Team**  
**Home Office**  
**6/3/2017**

## **Annex A – Original Request**

Dear Home Office,

Can you please supply:

1. all current guidance used for subject access requests.
2. All information held on deciding what sars should be fast tracked.
3. All info relating to what sars will be processed by your department free of charge.

Many thanks.

## Annex B – Response

Dear Mr Pearsall

### Freedom of Information Act 2000 Request (Our Reference 41790)

Thank you for your email of 8 November 2016, in which you ask for the following information:

- 1. All current guidance used for Subject Access Requests.*
- 2. All information held on deciding what SARs should be fast tracked.*
- 3. All info relating to what SARs will be processed by your department free of charge.*

A full copy of your request can be found in **Annex A**. Your request has been handled as a request for information under the Freedom of Information Act 2000.

We have considered your request and we believe it to be vexatious. Section 14(1) of the Act provides that the Home Office is not obliged to comply with a request for information of this nature. We have decided that your request is vexatious because we believe that it lacks value or purpose and relates to a matter which has already been the subject of extensive and independent scrutiny.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference **41790**. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Rights Team  
Home Office  
Third Floor, Peel Building  
2 Marsham Street  
London SW1P 4DF  
Email: [\[email address\]](#)

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

## **Annex C – Internal Review request**

Dear Home Office,

41790

Vexatious?

And exactly how can you claim this? This is the only foi I've sent you in over a year.

Yours faithfully,

## **Annex D – Complaints procedure**

This completes the internal review process by the Home Office. If you remain dissatisfied with the response to your FoI request, you have the right of complaint to the Information Commissioner at the following address:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF