

26 July 2018

Dear Mr Richards,

I am writing to you regarding your request for an Internal Review of Mrs Ashdown-Hoff's decision to refuse your Freedom of Information requests 44/18 and 46/18 (details below) under section 14 of The Act. I apologise in the delay in response to you here.

**44/18 submitted on 18<sup>th</sup> April 2018 at 20:24**

1. The minutes of the Board of Trustees Meeting held on 22 March in York.
2. The unpublished papers from the Board of Trustees Meeting held on 25 January in Coventry.
3. A copy of minute 18/007 (which appears to have been inadvertently left out of published minutes).
4. Copies of any report or presentation made by Jon Horsfall, Matthew Symonds or any other person in connection with minute 18/007. This includes both reports and presentations made during Board meetings, prior to Board meetings or subsequent to Board meetings.

And

**46/18 submitted on 19<sup>th</sup> April at 22:17**

Freedom of Information Request Section 77 complaint. I refer to my request - 'Waterways Partnerships Action Plans', full details of which can be found at [https://www.whatdotheyknow.com/request/waterways\\_partnerships\\_action\\_pl](https://www.whatdotheyknow.com/request/waterways_partnerships_action_pl)

In particular, I refer to discrepancies between information provided to Frazer Halcrow, Information Officer Assistant, and the information he subsequently provided to me.

Please provide via [whatdotheyknow.com](https://www.whatdotheyknow.com) copies of any internal communications made in relation to this request prior to Mr Halcrow's response to me dated 4 December 2017.

In this response I intend to address each of your points you raised in your requests for internal review.

**Both Requests**

**- C&RT failed to respond to this request promptly and within the time limit set by law.**

**Canal & River Trust**

Canal & River Trust First Floor North Station House 500 Elder Gate  
Milton Keynes MK9 1BB  
T 0303 040 4040 E [canalrivertrust.org.uk/contact-us](https://canalrivertrust.org.uk/contact-us)

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB

Your request was received on 18<sup>th</sup> April 2018, making the 20<sup>th</sup> working day following receipt of the request the 17<sup>th</sup> May as there was a bank holiday on 7<sup>th</sup> May and so the Trust calculated the 20<sup>th</sup> working day as 17<sup>th</sup> May. I have seen the email response which Mrs Ashdown-Hoff sent which clearly shows that it was sent on the 17<sup>th</sup> May at 15:53. I understand that you contacted Mrs Ashdown-Hoff to say that you did not receive the email sent on the 17<sup>th</sup> May and she resent the email on the 18<sup>th</sup> May at 17:21.

## **Request 44/18**

**- By conflating this request with a dissimilar one and making unfounded allegations relating to it, C&RT is seeking refuse the request whilst no basis exists to do so. I would ask the reviewing manager to explain why it considers this request to be vexatious when it relates to errors and omissions in information that C&RT is committed to pro-actively publish under its publication scheme.**

The information you requested was withheld under section 14 of the Freedom of Information Act by Mrs Ashdown-Hoff, the Trust's Information Officer, as she felt that both requests were vexatious. Since your requests were submitted within 1 day of each other I do not feel that it was unreasonable of her to link your requests. In her response Mrs Ashdown-Hoff quoted relevant legislation and case law, she also provided you with a link to the Information Commissioner's guidance notes on Section 14.

I understand that case law has identified 4 characteristics which bring a request or requests for information within the definition of vexatious for the purposes of section 14.

(a) The burden placed on the public authority and its staff;

You were provided with figures which evidenced the disproportionate volume of requests you have submitted. It appears from [whatdotheyknow.com](http://whatdotheyknow.com) that you have submitted 19 requests in 2016, 22 requests in 2017 and (so far) this year you have submitted a 12 request. You have asked for 3 internal reviews (so far) this year and also complained to the Information Commissioner on one occasion (which complaint was not upheld). Last year 40% of the internal reviews conducted by the Trust were requested by you. The volume of your requests is placing an undue burden on the Trust and creating a significant diversion away from the delivery of the Trust's statutory duties and charitable objects.

(b) The motive of the requestor;

We are aware that you are very much opposed to the Trust and have been since its creation. We have sought to engage with you and respond to your concerns and I understand that you have met with senior people within the Trust (and British Waterways) in the past. We are aware that you are one of the main contributors of the on-line publication "*The Floater*", which publishes entirely negative articles about the Trust.

(c) The value or serious purpose of the request;

Your many requests over the years have covered a wide range of topics, with no particular theme, issue or region of specific concern. The Trust strives to be open and transparent and does want to engage constructively with customer and stakeholder criticism and complaints, however your requests for information under the Act are so numerous and wide ranging that it is difficult to see any value or serious purpose behind them, other than a general desire to undermine the Trust and its employees.

(d) Any harassment of, or distress caused to, the public authority's staff.

Many of the large number of articles and other comments that you post on line frequently focus on individual Trust employees, often accompanied by photographs of these individuals (including photos taken from personal social media pages of junior employees) without their consent. This has caused and continues to cause distress and harassment to Trust employees and I would ask that you remove these photographs from the various on-line locations you have published them. We do reserve the right to bring this behaviour to the attention of the relevant authorities for the purposes of the Protection from Harassment Act 1997.

As your requests appear to me to clearly meet all 4 characteristics of vexatiousness set out in relevant case law, I believe that it was entirely correct for Mrs Ashdown-Hoff to deal with both requests together and withhold the information you had requested under section 14 of the Freedom of Information Act.

Please note that the Trust will be refusing all current and subsequent requests for information from you under section 14, on the same basis as outlined above.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, and Cheshire, SK9 5AF.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tom Deards', with a stylized flourish at the end.

**Tom Deards**  
Head of Legal & Governance Services