

NRC Ref: FOI/JC0710181

Date: 20th November 2018

Name: John Cope

Dear John

Freedom of Information Act 2000 – Outcome of Internal Review

I am writing to inform you of the outcome of the Internal Review that has been carried out in to the College's handling of your recent Freedom of Information request (FOI/JC0710181). To ensure impartiality the Internal Review was overseen by Dr Catherine Guy, Learning & Development Manager, who has had no previous involvement in this matter.

Scope of the Internal Review Process

A process should be used where an applicant wishes a review to be conducted about the way the College has responded to a request for information made under the Freedom of Information Act (FOIA). All applicants are informed of their right to request a review, under this process, when they are sent a response to their request for information.

Initial Freedom of Information Request Received on 7th October 2018

1. Can you provide me with the number of APPNI employer incentive bonuses that Northern Regional College paid in 2017?
2. How many bonuses were paid to employers within 3 months of their apprentice completing his/her apprenticeship framework?

Summary of Northern Regional College's Response to Freedom of Information Request (FOI/AH041018)

The College's response was sent to you via email on 25th October 2018. The response released the information you requested.

Review

As part of this review I have considered the College's overall processing of your request. Your request was originally sent to the College via email on 14th June 2018. The College responded on 5th July 2018 asking that you narrow your search as the information you requested was not in an easily accessible format. On the same day you then asked for 2017 information only. On 4th August 2018 you requested an internal review of the College's handling of this request and then subsequently resubmitted your information request on 7th October 2018. You received a response which included the release of the information you requested on 25th October 2018.

During this review it was noted that this request was 1 of 8 requests submitted/resubmitted by yourself from June through to 7th October (FOI/JC0710182, FOI/JC0710183, FOI/JC0710184, FOI/JC0710185, FOI/JC0710187, FOI/JC071018, FOI/JC040818). Using the guidance from the Information Commissioner's Office in respect of determining vexatious

requests, Section 14 (1) states that the College is not obliged to comply with a request that is vexatious. <https://ico.org.uk/media/1198/dealing-with-vexatious-requests.pdf>

I consider your requests to be vexatious in nature using the following indicators:

- Burden on the Authority
- Personal Grudges
- Frequent or overlapping requests
- Deliberate intention to cause annoyance

Your requests have caused an unreasonable amount of time to be spent by the Training Office handling your requests as this is a small team which many of your requests have been directed to.

Conclusion

On behalf of the College I would like to apologise for the delay in handling your initial requests. However please be advised that as we have determined your requests to be vexatious in nature under section 14 (1) of the Act and therefore further to the information already released under section 17 (6) of the Act the College gives notice that we will no longer be responding to Freedom of Information requests in relation to the Training Office.

Section 17 (6) of the Act allows a Public Authority to refuse to issue refusal notice in instances when:

- a) The public authority is relying on a claim that section 14 applies,
- b) The authority has given the applicant a notice, in relation to a previous request for information, stating that it is relying on such a claim, and
- c) It would in all circumstances be unreasonable to expect the authority to serve a further notice under subsection (5) in relation to the current request.

You can find out more about Section 14(1) by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter. You can also find more information by reading the full text of the Act (available at <http://www.legislation.gov.uk/ukpga/2000/36/section/14>).

I hope you are satisfied with the outcome of this review, however if you are not you can of course refer the matter to the Information Commissioner for consideration. You can contact them in writing at the following address:

Information Commissioner's Officer
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours Sincerely
Dr Catherine Guy

EXPLANATION OF FOIA - SECTION 14(1) – VEXATIOUS REQUESTS

We have provided below additional information about Section 14(1) of the Freedom of Information Act. We have included some extracts from the legislation, as well as some of the guidance we use when applying it. We hope you find this information useful.

The legislation

Section 1: Right of Access to information held by public authorities

- (1) Any person making a request for information to a public authority is entitled—
- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
 - (b) if that is the case, to have that information communicated to him.

Section 14: Vexatious or repeated requests.

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.
- (2) Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

Guidance

Public authorities may sometimes be faced with a requester who sends in request after request, often slightly differently worded, but essentially asking the same question. Sometimes, in doing this, the requester may be trying to vindicate a longstanding grievance against an authority.

Handling such requests can be very resource intensive, in particular where the request is accompanied by a stream of correspondence, detailed representations and comments to which the applicant seeks to get the public authority to respond.

Whether a request is vexatious is determined by the information requested, not the person making the request. Vexatiousness needs to be assessed with reference to all the circumstances of an individual case. However, if a request is not a genuine endeavour to access information for its own sake, but is aimed at disrupting the work of an authority, or harassing individuals in it, then it may well be vexatious.