



Department
for Transport

Dr C J Miller
DEPUTY DIRECTOR
COVID-19 DIRECTORATE
DEPARTMENT FOR TRANSPORT
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DIRECT LINE:

Mr P Ridley

Web Site: www.dft.gov.uk

By email: request-671959-47d7adab@whatdotheyknow.com

28 August 2020

Our Ref: FOI/IR

Dear Mr Ridley

Re. FOI Request - Internal Review

I am writing with regard to your request for an internal review of the Department for Transport's response to your FOI request.

As a Senior Civil Servant within the Department's Covid-19 Directorate who was not involved in the original consideration of your request, I have carried out the independent Internal Review. My findings are set out below:

In your email of 10 July 2020 you requested information about a peer reviewed study on the use of face coverings on public transport.

The Department responded to your request on 10 July 2020. The response informed you that Section 14(1) of the Freedom of Information Act was deemed applicable, and that your request had been considered as vexatious on the basis that it was part of a campaign.

I have considered your request and the Department's response, and I have decided to uphold the original decision that your request was vexatious. In coming to this decision, I have considered the Information Commissioners guidance on this matter <https://ico.org.uk/media/1198/dealing-with-vexatious-requests.pdf> and believe that your request was part of a campaign on the basis that it was one of 190 requests received within 24 hours. The guidance from the Information Commissioner's Office on Section 14 states that the exemption is applicable where the following criteria are met:

- The requests are identical or similar in nature.
- There is an unusual pattern of requests - a large number have been submitted within a relatively short space of time.

I have also noted, in my internal review, that despite indicators suggesting that your request was part of a campaign, the Department took into account the public interest in this subject, and the response included links to thirteen documents of relevance to your request, which are publicly available.

I would also like to point out that while the use of the word “vexatious” in the FOIA can be emotive, it was not the intention of the Department to suggest your request was objectionable, as one definition of vexatious may suggest. Instead, the request for information was declined on the basis that the request would “cause a disproportionate... level of disruption”, as set out in the Information Commissioner’s Office guidance for section 14(1) of the FOIA.ⁱ

If you are not content with the outcome of this internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>

Yours sincerely,

Dr C J Miller

ⁱ <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>