



Information Rights Team
Post Office Limited
Ground Floor
Finsbury Dials
20 Finsbury Street
London EC2Y 9AQ

Your reference:
Our reference: FOI2021/00223

Mr John O'Sullivan
request-720924-6fab893e@whatdotheyknow.com

12 April 2021

Dear Mr O'Sullivan,

Freedom of Information Request – FOI2021/00223

I am writing in response to your requests to Post Office Limited ("Post Office") under the Freedom of Information Act 2000 ("FOIA") received on 10, 11 and 17, 19, 26 and 30 March 2021. **Appendix 1** to this letter reproduces each of those requests. **Appendix 2** sets out the other requests that you have made so far this year.

We have considered your requests and consider them to be vexatious. Post Office is not required to comply with vexatious requests under section 14 of FOIA and as such, your requests have been refused.

The reasons for this decision are set out below.

Section 14 of FOIA

Section 14(1) (Vexatious requests) of the Freedom of Information Act 2000 states:

"(1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious."

The Information Commissioner's Guidance ("**ICO Guidance**") on "Dealing with vexatious requests" explains that dealing with unreasonable requests can place a strain on the resources of a public authority and get in the way of delivering mainstream services or answering legitimate requests.¹ The ICO Guidance further states:

"Section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress."²

To assist with identifying potentially vexatious requests, the ICO's Guidance sets out a number of indicators which includes the following:³

¹ <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf> at paragraph 8.

² <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf> at paragraph 9.

³ <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf> at paragraph 25.

"Burden on the authority

The effort required to meet the request will be so grossly oppressive in terms of the strain on time and resources, that the authority cannot reasonably be expected to comply, no matter how legitimate the subject matter or valid the intentions of the requester."

"Frequent or overlapping requests

The requester submits frequent correspondence about the same issue or sends in new requests before the public authority has had an opportunity to address their earlier enquiries."

Finally, the Code of Practice issued under section 45 of the Freedom of Information Act 2000 states that public authorities should *"note that the public interest in obtaining the material does not act as a 'trump card', overriding the vexatious elements of the request requiring the public authority to respond to the request"*.⁴ This point has also been reiterated by the Upper Tribunal⁵ and First-Tier Tribunal⁶.

Your requests

For the purposes of section 14, we are entitled to take into account the number of requests made by an applicant, the amount of work that would be involved, and any other matters that we consider would demonstrate that the request imposes an unjustified burden on Post Office. We are entitled to do so in certain circumstances even where there is a serious purpose behind the request. The ICO's Guidance also recognises that a request "which would not normally be regarded as vexatious in isolation may assume that quality once considered in context". The example given by the ICO in its Guidance is *"where an individual is placing a significant strain on an authority's resources by submitting a long and frequent series of requests, and the most recent request, although not obviously vexatious in itself, is contributing to that aggregated burden"*.⁷

Since the beginning of 2021, you have made 22 FOIA requests to Post Office containing in total 79 questions or individual requests. This response relates to six of those FOIA requests (comprised of 20 questions or individual requests) which we received from you within a 15 working day period in March 2021 (as set out in Appendix 1).

Your requests are detailed, frequent and a number of them relate to the same issue or issues in circumstances where we have not yet had the opportunity to address previous requests on the same topic. This is placing significant strain on Post Office's resources. This is also at a time where Post Office's capacity in its Information Rights Team has been affected by Covid-19, of which you have been informed on multiple occasions.

Post Office recognises that, in the wake of the recent High Court proceedings and press coverage regarding the Horizon system, there is likely to be an increased

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf at paragraph 7.11.

⁵ https://assets.publishing.service.gov.uk/media/5b57139a40f0b6339963e8cf/GIA_2782_2017-00.pdf at paragraph 25.

⁶ [http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i2653/Boyce%20M%20\(EA-2019-0334\)%2028.05.20.pdf](http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i2653/Boyce%20M%20(EA-2019-0334)%2028.05.20.pdf) at paragraph 6(6).

⁷ <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf> at paragraph 58.

volume of requests. However, in the circumstances, we consider that the aggregated burden imposed by your most recent requests is disproportionate and oppressive and would cause an unjustified burden on our resources and unjustified level of disruption. As a result, we consider the requests set out in **Appendix 1** to be vexatious under section 14 of FOIA and so we are not obliged to respond.

You may wish to consider the guidance on the Information Commissioner's webpage titled "How to access information from a public body".⁸ This webpage includes a list of 'Dos and Don'ts' to assist members of the public with making effective requests under FOIA. In particular, we note that this section advises giving the public authority *"ample opportunity to address any previous requests you have made before submitting new ones"* as well as advocating against *"disrupt[ing] a public authority by the sheer weight of requests or the volume of information requested"*.

The guidance on the Information Commissioner's webpage also advises that requesters, *"Use straightforward, polite language; avoid basing your request or question on assumptions or opinions, or mixing requests with complaints or comments."* At times, we consider that some of your requests and the language used have not reflected this guidance. For example, your request with reference number FOI2021/00178 stated: *"My question was does POL always refuse a request under cost grounds or do you think hey that's a good question Sir Wynn or JF might be interested in that - lets answer it?"* and your requests with reference numbers FOI2021/00223 and FOI2021/00237 (set out in Appendix 1) are lengthy and convoluted, mixing requests for information with comment. It can be confusing for public authorities where questions are mixed with complaints and other content so we would request that you bear in mind the Information Commissioner's guidance on this point.

Any future requests will be considered on a case by case basis.

If you are dissatisfied with the handling of this response, you do have a right to request an internal review. You can do this by writing to the address below stating your reasons for your internal review request.

Information Rights Manager
Post Office Limited
Information Rights Team
Ground Floor
Finsbury Dials
20 Finsbury Street
London
EC2Y 9AQ
information.rights@postoffice.co.uk

⁸ <https://ico.org.uk/your-data-matters/official-information/>

If, having requested an internal review by Post Office, you are still not satisfied with our response you also have a right of appeal to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113
<https://ico.org.uk>

Yours sincerely,



Jackie Lawrence
Information Rights Team
information.rights@postoffice.co.uk
[http://corporate.postoffice.co.uk/secure-corporate/about-us/access-to-information/
@postofficenews](http://corporate.postoffice.co.uk/secure-corporate/about-us/access-to-information/@postofficenews)

Post Office Limited is committed to protecting your privacy, information about how we do this can be found on our website at www.postoffice.co.uk/privacy

Appendix 1

No.	Date received, reference and title	Request
1	10 March 2021 FOI2021/00184 Seat on the Board Vote	Can you list the names of the 6 unsuccessful candidates please?Do you have a record of the voting?For the two seats on the Board is it simply first and second past the post or is there a minimum turn-out and will the candidates need a minimum % difference?
2	11 March 2021 FOI2021/00185 Seat on the Board vote	Can you please say what % of SPM are female?How many applied for a seat on the board?How many SPM operate 2 or fewer branches as a %?How many operate 6 or more as a %?We vote on these matters starting March 22nd so if you could give the answer before then it would be great.Im sure we all want paradigmatic representation on the Board,
3	17 March 2021 FOI2021/00199 Seat on the Board Cost	Please can you say how much the seat on the board campaign has cost?Do you have details of how much Green Park were paid?Civica Election Services?The cost of the hustings?Any other fees involved?Thank you
4	19 March 2021 FOI2021/00223 Horizon Historic Shortfall Scheme	<p>Thank you for your reply and answers to some of the points raised.I notice today 19th March some SPM who wrongfully had money taken from them for "Horizon losses"have received offers of settlement.Is it the case that this money is from the Government rather than POL?in that case surely a spend of the public purse needs some detail?.Sir Wynn through the Horizon Inquiry is desperate for proof that POL has learned and moved on from the dark days of accusing a High Court Judge of bias.These are some things he is looking into B: Build upon the findings of Mr Justice Fraser, by obtaining all available relevant evidence from Post Office Ltd, Fujitsu and BEIS to establish a clear account of the implementation and failings of Horizon over its lifecycle;</p> <p>C: Assess whether Post Office Ltd has learned the lessons from the criticisms made by Mr Justice Fraser in the "Common Issues" and "Horizon Issues" trials and those identified by affected postmasters and has delivered or made good progress on the organisational and cultural changes necessary to ensure a similar case does not happen in the future;</p> <p>D: Assess whether the commitments made by Post Office Ltd within the mediation settlement – including the historical shortfall scheme – have been properly delivered; Surely publishing as much information as possible can only help POL demonstrate to wronged SPM,individuals conducting Inquiries,the media etc that you have changed?</p>
5	26 March 2021 FOI2021/00237 NFSP independence	<p>When all the appellants' barristers had finished, Brian Altman, the Post Office QC, said he wished to make a brief response. He said:</p> <ul style="list-style-type: none"> - the Post Office accepted both Mr Justice Fraser's judgments - it was not disputing any element of Mr Justice Fraser's judgments

No.	Date received, reference and title	Request
		<p>- the CCRC have conducted the investigations in these cases leading to the referrals the CCRC has made</p> <p>- the Post Office has not sought to go behind those investigations to do its own (this could undermine Fraser J which PO has no desire to do)</p> <p>- the Post Office has embarked on a post-conviction disclosure exercise almost unprecedented in size which has allowed the appellants to make the arguments they are making.</p> <p>- we as counsel have placed before the court points which we believe are relevant to the issue of second category abuse, but given the very clear public interest, the determination whether or not these prosecutions amount to an affront to the public conscience is a matter for this court to judge.</p> <p>Justice Fraser found "The NFSP is not an organisation independent of the Post Office, in the sense that the word "independent" is usually understood in the English language. It is not only dependent upon the Post Office for its funding, but that funding is subject to stringent and detailed conditions that enable the Post Office to restrict the activities of the NFSP. The Post Office effectively controls the NFSP."</p> <p>Is the QC saying POL accept the NFSP is not independent?</p>
6	<p>30 March 2021</p> <p>FOI2021/00256</p> <p>Mails segregation Bonus scheme</p>	<p>What year was this scheme implemented? What was the total money that could have been earned in bonuses and how much actually was paid out? For each year the scheme ran, what was the target%, what was the actual figure reached and what was the amount paid out each year?</p>

Appendix 2

No.	Date received and reference	Request
1.	4 January 2021 FOI2021/00003	Please can you say: How many branches have a VOC score of 82% or more? How many have a score under 82%? How many branches have no data? Is one reply as a VOC enough to generate a score?
2.	6 January 2021 FOI2021/00007	How many Subpostmasters or counter staff (multis and independants) have tested positive for Covid? How many branches have had to temporarily close because of this? How many days of Covid caused closure has the network experienced? Is the rate of positive test and closure increasing?
3.	12 January 2021 FOI2021/00016	What % of serving SPM are prevented from applying for a Board seat due to not meeting the 82% VOC requirement? Who proposed this figure? Do you have evidence that particularly since Covid customer feedback forums have become a whingers paradise? To that end what is the satisfaction rating as an average prior to March 2019 and afterwards?
4.	22 January 2021 FOI2021/00034	What date was the first payment made under this scheme? How many payments have been made under this scheme? How many claims have been rejected under this scheme? How many claims are yet to be decided under this scheme? What are the cash values of individual payments made under the scheme? Have SPM who have been deemed to be owed money under the scheme been asked to sign NDA? Can SPM who have been unsuccessful in the scheme appeal against the decision or ask for the reasons behind the decision?
5.	26 January 2021 FOI2021/00047	"I need to regain the trust and confidence of the postmasters," Read says. "We are putting a serving postmaster on to the board. Symbolically and practically I recognise the need to engage with postmasters. We are doing this through a consultation." Following a six-month

No.	Date received and reference	Request
		<p>review, £37m is also being set aside to make postmaster remuneration "fairer". Read can now push forward with his strategic plans. He cites the Post Office's franchise operation as a crucial part of his goal to transform it from a "historically very arms-length government-owned operation to a different model".</p> <p>Can you explain what £37 million being set aside means please?</p> <p>Is it money that will be earned, can be earned or might be earned?</p> <p>Has this figure been used an evidence of a relationship reset?</p> <p>How much of this £37 million has been paid out?</p> <p>Is this the £37 million the NFSP mentioned in 4 Nov 2019 interview?</p> <p>Does this information need updating?</p>
6.	1 February 2021 FOI2021/00060	<p>Please can you say how many SPM's have applied for the position of Board Member?</p> <p>How much is this as a % of the SPM population?</p> <p>How many subpostmasters are there?</p> <p>How much is the number of applicants of the modified (82%) VOC requirement as a % of the SPM pool?</p> <p>If the figure was 75% how many would be eligible?</p> <p>If the figure was 84% how many would be eligible?</p>
7.	3 February 2021 FOI2021/00066	<p>In the ten month period March 2020 to January 2021 how much did SPM's receive in payments for these transactions either ordered in branch or on-line?</p> <p>What was the same figure for the period March 2019 to January 2020?</p>
8.	5 February 2021 FOI2021/00074	<p>Please can you supply the SPM pay for Jan 2021 and also Jan 2020.</p> <p>Can you give a running total for SPM pay in both these years up to end of Jan.</p>
9.	11 February 2021 FOI2021/00094	<p>Please can you supply the average VOC score for branches in WHS locations.</p> <p>What is the highest score and what is the lowest score please?</p>

No.	Date received and reference	Request
10.	21 February 2021 FOI2021/00119	How many POL branches are there and what is the breakdown by type, Mains, local, Independant, old POL contract, Outreach etc?
11.	22 February 2021 FOI2021/00118	What was SubPostmaster pay for Feb 2021? What was SubPostmaster pay for Feb 2020 and What was SubPostmaster pay for Feb 2013?
12.	22 February 2021 FOI2021/00117	What percentage of POL income comes from providing services for third parties, RM, DVLA, Passport Office, Moneygramme, POCA etc? How much of this income as a percentage is paid to SPM's?
13.	24 February 2021 FOI2021/00124	Please can you say what SPM income was as a percentage of POL revenue for 2020-2021? Can you also supply the figures for 2011 through to 2020
14.	4 March 2021 FOI2021/00178	The ICO guidance says "You can refuse an entire request under the following circumstances: etc". My question was does POL always refuse a request under cost grounds or do you think hey that's a good question Sir Wynn or JF might be interested in that - lets answer it? You are not a Hospital, School, Council etc who may put front line jobs at risk in order to find the money to answer questions. How many people work in your Information Rights dept.? What is your budget? Do you refuse requests from the CWU or the NFSP for information on grounds of cost?
15.	9 March 2021 FOI2021/00169	For the year ending March 2020 could you please supply the following information: How many branches received pay of: less than £1000, less than £5000, less than £10000, less than £150000, less than £200000, less than £50000, less than £60000, less than £70000. less than £100000. How many branches received more than £100000?

No.	Date received and reference	Request
16.	25 March 2021 FOI2021/00258	<p>All the PO products are a matter of public record, you have no share price to maintain and the Government is your sole shareholder. SPM earn you all your income.</p> <p>Do they not have a right to know if they are being treated as partners or "cash cows?"</p> <p>"Nick Read talks of resetting the relationship but he appears to be just installing more One Way Street signs.</p>