

Information Compliance and Disclosure Section
Police Headquarters, Saunders Lane, Hutton, Preston PR4 5SB
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Email: information@lancashire.pnn.police.uk



Paul Ponting
Sent via email to: request-416910-2496d969@whatdotheyknow.com

Date: 7th August 2017

Dear Paul Ponting

FREEDOM OF INFORMATION APPLICATION REFERENCE NO: ICDS/FOI/003705/17

Thank you for your request for information received by Lancashire Constabulary on 10/07/2017 which was as follows:

I have brought a complaint against Lancashire Constabulary for an incident whereby it was alleged (by a serving police officer), that CID had installed concealed CCTV recording equipment in a public toilet (within the cubicles) in the Lancashire area.

Police have refused to investigate, this is being dealt with separately.

What I want to know is:

What authority would be required to install CCTV in such a sensitive area that is used by adults and children?

What protection would be provided to vulnerable adults and children using such public toilets.

Are the ICO aware of this incident and if so, what justification would be provided.

Your request has now been considered and the information you are seeking cannot be provided at this time:

Please be advised that this task cannot be undertaken at this stage as we believe Section 14(1) of the Freedom of Information Act 2000 applies. This letter serves to act as a refusal notice for this request, as per S.17 (5) of the Act.

S.14 (1) states:

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

We have received six requests from you within the space of a few days (our refs: 3703/17, 3704/17, 3705/17, 3706/17, 3707/17, 3711/17) and whilst these requests have all been considered on their own merits, some considerations are relevant to more than one request.

Whilst responses have been provided to the previous requests that you have made under the Freedom of Information Act (FOIA) we consider the influx of your requests over the space of 4 days from 06/07/2017 to 10/07/2017, where we received 6 requests, consists of a scattergun approach. It appears that you are using the FOIA in an attempt to obtain any and as much information as you are able to fuel your continuing complaints against Lancashire Constabulary and its employees in relation to matters which have been subject to formal consideration. One of the outcomes from your on-going campaign is your pro-active publication of information in relation to your involvement with Lancashire Police; this is often in an accusatory manner including unsubstantiated allegations about the force and

individual officers.

Guidance from the ICO refers to the ICO decision notice FS503245650; this states that 'it considers this request the continuation of a vexatious campaign, the results of which have already been provided, and on which nothing further can be done'. It appears that this request is a continuation of a wider vexatious campaign against the Authority in which you seek to obtain information that you can subsequently use to re-open an issue that has been fully resolved by Lancashire Constabulary. Even if this request had not been received with a variety of other requests, S14 (1) would still have been a relevant consideration and the points raised in this letter would still be justified.

When considering ICO guidance on assessing the purpose and value of a request, it is made clear that if the request does not obviously serve to further the requesters stated aims or if the information requested will be of little benefit to the public then this will restrict its value, even where there is clearly a serious purpose behind it. In this case, whilst we have no doubt that there is a serious purpose behind this request, we believe it displays unreasonable persistence in an effort to re-raise an issue that has already been fully considered by the authority and therefore completely limits the value of the request.

In applying this exemption, it is noted that a request which would not normally be regarded as vexatious in isolation may assume that quality once considered in context and whilst the Act is generally considered as applicant blind this does not mean Lancashire Constabulary cannot take into account the wider context. The context and history in which this request has been made is a major factor in our decision to apply Section 14(1). When determining whether a request is vexatious one of the factors we must take into account is previous dealings between the authority and the requester. The ICO guidance states that 'this includes past behaviours, for instance, if the authority's experience of dealing with his previous requests suggests that he won't be satisfied with any response and will submit numerous follow up enquiries no matter what information is supplied, then this evidence could strengthen any argument that responding to the current request will impose a disproportionate burden on the authority.'

In the case of *Betts vs ICO*, (EA/2007/0109 19May 2008), The Tribunal found that although in isolation the request might not be vexatious, when considered in context it was a continuation of a pattern of behaviours and part of an ongoing campaign. The request on its own may have been simple but experience showed it was very likely to lead to further correspondence, requests and complaints.

It is noted that you have made in excess of 50 complaints comprising of over 80 allegations against the Constabulary within the last 4 years including numerous follow up enquiries and correspondence with our Professional Standards Department; it is not unreasonable to suggest that a disproportionate burden will be imposed which therefore supports the argument that this request is vexatious. The Constabulary has been in continuous correspondence with you over a number of years concerning issues which have previously been investigated. It is therefore considered that even if the Constabulary do respond to you on this matter, past experience would suggest that it is likely that it will generate further complaints, requests and correspondence.

A case in point and purely in relation to FOI is one of your previous requests (FOI/3254/16) in relation to data which could not be extracted from Lancashire's systems within 18 hours. Within your internal review you stated that all forces had provided the information. However upon checking with other forces within the region in order to understand how we might comply with your request within 18 hours it transpired that of those forces contacted, they had also refused the request on similar cost grounds. It appears that you feel aggrieved should the response or answer that you receive not be to your satisfaction.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request an internal review of our decision, you should write to the Information Assurance Manager, Information Compliance and Disclosure Section, Police Headquarters, Saunders Lane, Hutton, Preston PR4 5SB or alternatively send an email to information@lancashire.pnn.police.uk. Details of the Constabulary's Freedom of Information Complaint Procedures can be found attached to this email.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner's Office cannot make a decision unless you have exhausted the complaints procedure provided by Lancashire Constabulary. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

Compliance Team

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