



Cardiff
Metropolitan
University

Prifysgol
Metropolitan
Caerdydd

19 March 2021

Dear Steven,

Reference Number: **RI1833**

I am writing further to your email on 17 March 2021 requesting information regarding the University's digital and retail technologies under the Freedom of Information Act 2000.

Section 14(1) of the Freedom of Information Act does not oblige a public authority to comply with a request for information if the request is vexatious.

From the questions asked it appears that you are making a request for information for commercial purposes in order to sell goods or services. Without there being clear public interest, the University now considers commercial requests vexatious in line with the Upper Tribunal ruling recently upheld by the Court of Appeal.

The Tribunal case indicates that the key question when deciding whether a request is vexatious is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause. Although we understand that you are likely to believe there to be serious purpose behind your request, we must consider whether the impact on the University is justifiable.

The Tribunal concluded that "vexatious" could be defined as the "*unjustified, inappropriate or improper use of a formal procedure.*" A request which has no public interest can be classed as an improper use of the Act and is a valid consideration to make when considering if a request is vexatious. We have concluded that using the Freedom of Information process to gain commercial advantage over others can be included within this definition.

Given the current working environment which has resulted in additional working pressures for our staff, commercial requests which have very limited wider public interest puts burden on the University and causes unnecessary distress. The University has therefore decided to withhold the information you have requested under Section 14 of the Act.

If you are unhappy with the way in which your request has been dealt with, or with the outcome of the consideration given to your request, you may ask for an Internal Review. 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. Our procedure for carrying out Internal Reviews can be found under the 'Complaint' section of [this document](#).

Yours sincerely,

Jayne Storey

Head of Compliance, University Secretariat / Pennaeth Cydymffurfio, Ysgrifenyddiaeth y Brifysgol

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Mae Met Caerdydd yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn eich dewis iaith boed yn Gymraeg, yn Saesneg neu'n ddwyieithog dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

Cardiff Met welcomes correspondence in English and Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or bilingual as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay.

