



HM Revenue
& Customs

Mr Darryl Cashmore

By email: request-709281-
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Dear Mr Cashmore

Freedom of Information Act 2000 (FOIA)

Thank you for your email of 6 January, which seeks a review of our original response to your information request.

Section 14(1) may be used in a variety of circumstances where a request, or its impact on a public authority, cannot be justified.

Sometimes a request may be so patently unreasonable or objectionable that it will obviously be vexatious.

In cases where the issue is not clear-cut, the key question to ask is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress.

This will usually be a matter of objectively judging the evidence of the impact on the authority and weighing this against any evidence about the purpose and value of the request.

A key indicator of a vexatious request, provided by the Information Commissioner's Office (ICO) is the burden on the authority of complying with the request. This is where 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.

The emphasis on protecting public authorities' resources from unreasonable requests was acknowledged by the Upper Tribunal in the case of Information Commissioner vs Devon County Council & Dransfield [2012] UKUT 440 (AAC), (28 January 2013) when it defined the purpose of section 14 as follows;

'Section 14...is concerned with the nature of the request and has the effect of disapplying the citizen's right under Section 1(1)...The purpose of Section 14...must be to protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use of FOIA...' (paragraph 10).

The scope of your request is particularly broad, asking for all email correspondence sent and received by a senior official concerning a particular policy. An initial search for this information yielded in excess of 500 results and an equally large number of attachments.

The determination that compliance with your request would pose an unreasonable burden was made on the grounds that:

- The requester has asked for a substantial volume of information **AND**
- The authority has real concerns about potentially exempt information, which it will be able to substantiate if asked to do so by the ICO **AND**
- Any potentially exempt information cannot easily be isolated because it is scattered throughout the requested material.

When assessing the purpose and value of this request it has also been considered that were information provided it would more than likely encompass information which is only of limited value because of the wide scope of the request. It is for this reason that the ICO guidance on making effective information requests ask applicants to not do the following:

- Send 'catch-all' requests for information (such as 'please provide me with everything you hold about 'x') when you aren't sure what specific documents to ask for.
- Disrupt a public authority by the sheer weight of requests or the volume of information requested. Whether you are acting alone or in concert with others, this is a clear misuse of the Act and an abuse of your 'right to know'.
- Deliberately 'fish' for information by submitting a very broad or random requests in the hope it will catch something noteworthy or otherwise useful. Requests should be directed towards obtaining information on a particular issue, rather than relying on pot luck to see if anything of interest is revealed.

Whilst I accept that the intention of your request may not have been vexatious, with confirmation of the number of emails within scope I am satisfied that the nature of your request is. On this basis I am upholding the original decision to refuse your request by virtue of section 14(1) FOIA.

If you are not content with the outcome of this internal review you can [complain to the Information Commissioner's Office](#).

Yours sincerely,

HM Revenue and Customs