



Mr R Davis
BY EMAIL ONLY:
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Office of the General Counsel

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Ask for: Jason Ofosu
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Ref: LS/ CLA/03
Date: 7th September 2017

Dear Mr Davis

Internal Review of FOI17/1205

We have undertaken a review of Kent County Council's ("the Council") response to your question

"Please provide copies of all email correspondence involving the following Kent County Staff (whether inbound or outbound):

Gill Nye
Mark Radford
Ben Watts
Sarah Cuckow
Jason Ofosu
Matthew Hazleton
Matthew Waterworth
Jane Hall

and any additional external individuals (whether inbound or outbound):

Alasdair Chisholm (Former Chair of SLGGS) Paul Addis (Current Chair of SLGGS) Tracey Rose (Former Clerk of SLGGS) Paul Ferguson (Current Clerk of SLGGS)

in relation specifically to the Simon Langton Girls Grammar School (SLGGS) in Canterbury, which may or may not include topics such as the Craig Report and/or Jane Robinson and/or disciplinary investigation and/or legal agreements and/or financial settlements and/or compromise agreements and/or non-disclosure agreements. Please ensure that any searches include archive/cloud back-ups in case any emails have been deleted on local machines. "

681/CLA03 - 05893928

On 9th August you requested an internal review in response to the Council's decision that your request for information was refused on the basis that the request was vexatious under section 14 of the Freedom of Information Act 2000 and to deal with your request would exceed the time limit under section 12 of the Freedom of Information Act.

1. Section 12(1) Freedom of Information Exemption

Section 12(1) of the Freedom of Information Act 2000 states that:

"Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates the cost of complying with the request would exceed the appropriate limit".

The appropriate limit for a local authority specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 is £450, which can be calculated at £25 per hour. The number of the emails that would need to be retrieved and reviewed to check whether they contained the information you requested would take an inordinate amount of time and would exceed 18 hours. Since this task would exceed 18 hours we have decided that in accordance with section 12(1) the Council is not obliged to deal with the request.

2. Section 14(1) Freedom of Information Exemption

Section 14(1) of the FOIA states that

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

Section 14(1) is applied to the nature of the request itself and not the individual who submitted it. We note your allegation that the Chairman of Governors may be attempting to state that a request you have made may be vexatious however we had no involvement in that decision. That is a matter between the Governing Body and yourself and not the Council.

A public authority like the Council has the right to refuse a request which has the potential to cause a disproportionate or unjustified level of disruption, irritation or distress to it.

The purpose of section 14 is to protect the resources of the public authority being squandered on disproportionate use of FOIA. There are factors that are generally taken into account when assessing whether a request is vexatious or not. These include (1) the burden on the public authority, (2) motive of the requestor, (3) value or serious purpose of the request and (4) whether the request causes harassment or distress.

(i) Burden

We have considered the volume of your previous requests and correspondence to the Council. You have made a number of Freedom of Information Act requests ("FOI requests") concerning the Craig Report, the former headmistress and Governors in a relatively short space of time. The Council has responded substantially to each and every previous request that you have made. This has caused an unreasonable burden on the Council's staff and disproportionate drain on the Council's already outstretched resources.

(ii) Motive of the requestor

The motive for the request for information is clear from your correspondence and responses to the Council's detailed answers to your requests that you will not be satisfied with any answer that the Council provides. Your motive appears to be exposing in your mind alleged failings by the Council and an alleged colossal cover-up by the Council. You have effectively asked the same or similar requests regarding the Craig Report, the Board of Governors and former headmistress. A number of your requests at times display all the hallmarks of a fixated, personal and unreasonable campaign against the Council, former headmistress and the Board of Governors.

(iii) Value and Purpose

We have considered objectively whether there is a reasonable belief that the information sought in your request would be of value to you as requestor or any section of the public. A number of similar requests have been made to the Council by other people on the same subject matter therefore the nature of your request has no special value.

The purpose of your request is the same as the previous numerous requests that you have made to attempt obtain a copy of the Craig Report and information about the former Headmistress and the Board of Governors. You had asked in your request FOI17/698 for copies of correspondence between the Council and the Board of Governors. This request is very similar to that one. It is also similar to a request made by other users of whatdotheyknow website a few months earlier.

We have considered carefully the future burden of complying with your request. The history of previous dealings with you demonstrates a very high likelihood that if the Council had responded to your request that it would have been faced with an onslaught of further correspondence and requests. As stated above, this has already caused an unreasonable drain on the resources of the Council and we can see no particular reason for this to continue indefinitely.

(iv) Causing harassment or distress

Although the tone in this particular request is not accusatory unlike previous requests for information. The tone of the previous requests made by you concerning Simon Langton School makes unsubstantiated allegations about the conduct of the Council and its staff. You have also made unsubstantiated allegations about the Council in the press and on social media which is unreasonable behaviour.

Therefore, we are satisfied in the aforementioned circumstances, that the request that you made is a vexatious request. One of the main purposes of the FOIA is to provide citizens with a qualified right to access to official information and is a means of holding public authorities to account. The barrage of requests of requests that you have made to the Council concerning the Craig Report, the former headmistress and Board of Governors demonstrates obsessive conduct that harasses or distresses staff by making unsubstantiated allegations.

Therefore, the Council will not be responding to this request because it is a vexatious request and it would exceed the time limit permitted by the Act to deal with your query.

If you still remain dissatisfied following this internal review, you can appeal to the Information Commissioner, who oversees compliance with the Freedom of Information Act 2000. Details of what you need to do, should you wish to pursue this course of action, are available from the Information Commissioner's website <http://www.ico.org.uk/concerns>.

Yours sincerely

Jason Ofofu

Jason Ofofu
Solicitor
Office of the General Counsel