



Sent by Email:

To: Mr Stephen Whiteside

Knowledge Management Team
Hampshire Fire and Rescue Service HQ
Leigh Road
Eastleigh
Hampshire
SO50 9SJ

Email:

request-482728-
a6ae3e4b@whatdotheyknow.com

Direct Dial Tel: 023 8062 6850
Fax : 023 8062 6718
Email : DP@hantsfire.gov.uk

Date: 30 May 2018

Our Reference: EIR 28 18-19

Enquiries to: Information Compliance Officer

Your Reference: Brisbands Lane

Dear Mr Whiteside,

Environmental Information Regulations 2004

We are writing in respect of your recent application for the release of information held by the Authority.

In accordance with regulation 12 (4)(b) we are refusing to provide this information on the grounds that the request is manifestly unreasonable because it is vexatious.

This request is one of a chain of requests relating to the same matter and documents. We have repeatedly responded to your requests for information relating to the Meadstead Farm/ Four Marks development in Alton and despite providing you with the information that we have (as confirmed by the Information Commissioner's Office Decision notices FER0694675 and FER0693883 which can be found here: <https://ico.org.uk/media/action-weve-taken/decision-notices/2018/2258771/fer0694675.pdf> <https://ico.org.uk/media/action-weve-taken/decision-notices/2018/2258363/fer0693883.pdf> , you have continued to ask for more information relating to this development. We have invited you to attend Hampshire Fire and Rescue Service Headquarters on numerous occasions to view the files that we hold, to which you have either refused or not responded. This shows that you are unwilling to engage with us regarding these requests.

Furthermore, significant public time and resources have been put into answering your various requests and because you are seemingly unwilling to accept that we do not hold any more information we have determined that any further application of public resource to your request would be a waste, as you appear to be dissatisfied with the information provided. In effect, no matter what documents we have provided, or explanation we have given you, this has not been what you wanted and consequently you have put in further requests for information. Consequently, based on this apparent behaviour in past correspondence, we believe that any further response to you will only provoke more requests that we have already answered or arguments that we are withholding information we do not hold, which would only perpetuate further use of public resources and open our staff to further distress.



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We assert therefore that there is a public interest in protecting public authorities from exposure to disproportionate burdens in handling requests.

In addition, the way in which you have submitted the requests has further caused disruption to our ability to process your requests and others. You have submitted requests from several different email addresses from the What do they know website which has caused confusion in dealing with your requests. For example, responses were posted to one of the email addresses you have used to submit request to and not the other. This in turn led you to complain about the way in which the request was being handled, causing more effort to be expended by the Service.

Further you have made several similar and related requests in a short time frame leading to us being unable to deal with your request in a structured way. You have then complained that we have not responded correctly. Also, while submitting your requests you have altered each request by either adding or re-wording your requests to confuse the issue of the information you were looking for, leading to overlapping requests. In the interests of transparency, we disclosed all information we had relating to the development, except for one document which we believed at the time was subject to an exception (this document has since been released to you) however this served only to provoke additional requests. Therefore, it appears that your continued requests are not for the legitimate purpose of acquiring information under the Environmental Information regulations but to cause disruption and distress. On that basis this new request is vexatious and manifestly unreasonable within the meaning of the regulations.

You have also sought to bypass the Service's established teams who respond to Freedom of Information and Environmental Information Regulation requests by making direct and targeted requests to junior members of the Service and sought to locate specific individuals to pursue your request. Further you have independently contacted various departments within the Service seeking to get information in an underhanded manner rather than positively engage with the team who were dealing with your request to ensure you are provided with the information you sought. By seeking to go around the proper channels this shows that you are unwilling to engage positively with the team responsible for dealing with your requests.

We have, to satisfy your requests, sent an inspector to assess the site to provide you with a response as to its safety and reviewed that assessment to provide information leading to the letter sent by ACO Dickinson to you. In effect creating new information to fulfil your request, which we are not required to do under the Environmental Information Regulations. This then has been subject to more requests for information rather than closing the matter as was our intention.

Dealing with these requests is putting strain on our ability to answer other requests and undertake other work. We believe that your requests have caused a disproportionate and unjustified level of disruption, irritation and distress to the Service and to those members of the Service who have had to deal with them.

As regard the one piece of information we sought to exempt, but have disclosed to you as a voluntary disclosure, we thought that it was not in the public interest for inaccurate information to enter the public domain, this was challenged and in response we disclosed the document in the interest of settling the matter. However, when this disclosure occurred as part of our offer to settle the matter you rejected the disclosure and wished to continue the complaint you made, resulting in the decision notice listed above. In spite of an independent regulatory authority (and ourselves) informing you that there were no additional documents you have persisted in your campaign. The fact that you have ignored the decision of the Information Commissioner's Office shows unreasonable persistence and attempting to re-

open a decision that has been subject to independent scrutiny, for this reason we are judging your request as vexatious.

About the public interest in your request. We consider that you had, at the outset of your campaign of requests, a reasonable interest in ensuring that sufficient fire access and provision of firefighting service to the development. Further we acknowledge the importance of acting in a transparent and accountable manner as a public service is a vital component of the purpose behind the Environmental Information Regulations. We can also see that if you had been seeking to show any impropriety on behalf of the Service or other public bodies this would also be in the public interest. We also note that the regulations apply a presumption in favour of disclosure in regulation 12(2). We have considered all information you have voluntarily provided relating to your aims with this request to determine the public interest in your request.

Having reviewed the site we are content that the site has complied with Building regulation (Document B which can be found here: <https://www.gov.uk/government/publications/fire-safety-approved-document-b>). We have determined that we would be able to access the exterior of all buildings to respond to an incident at this estate regardless of the emergency access. As such while there was a public interest in knowing that we can respond to incidents at the time of your first request this has been shown to be the case by past disclosures as such this aspect of the public interest has been fulfilled and would not be further aided by us responding to your request to provide you with documents you already have or by us telling you that we do not hold the documents as this has been ignored in the past. Additionally, while there may have been a public interest in the emergency access when it was part of the development this has decreased with time and further assessment.

We feel that as we have provided all the documents you have requested and that regardless of this you continue to ask for documents that you have been informed that we do not hold, we are not minded to provide you with any further information relating to this matter.

Any future correspondence with HFRS in relation to this matter should be sent to the Information Compliance Officer at the above address.

If for whatever reason you are unhappy with our response you may request an internal review by contacting DP@hantsfire.gov.uk or by writing to the Data Protection Team at Hampshire Fire and Rescue Service Headquarters, Leigh Road, Eastleigh, Hampshire, SO50 9SJ.

Should you still remain dissatisfied you can appeal against the internal review decision by contacting the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF.

Yours sincerely

Hampshire Fire and Rescue Service Information Compliance Officer
Data Protection, Freedom of Information & Environmental Information Regulations