



Cabinet Office

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Dudley Jones

By email: request-861258-fda28644@whatdotheyknow.com

FOI Reference: FOI2022/08338

10 June 2022

Dear Dudley Jones

We refer to your request where you asked:

"I feel there's a definite public interest justification for requesting the following information:

1. Over the last 3 years what's been the cost to the Cabinet Office/Clearing House unit of the GLD fees for advice/representation in defence of the Cabinet Office's 'obstruction, evasion and prevarication' related to FOI Requests? The Cabinet Office was found guilty by Judge Hughes in June 2021, and fined £500,000.

Have there been further GLD fees for the Cabinet Office since the judge's ruling - if so what is the cost so far?

I am sure the ICO, and David Davis, MP, who were highly critical of the CO and their Clearing House unit's activities' would agree, the public have a right to expect the cost of CO recruitment of GLD legal assistance to be made known, since ultimately they are the ones paying the bill.

I have previously submitted a FOI Request for this information along with requests for other information. My request was rejected on the basis that it was, in your view 'vexatious'.

Whilst, arguably, that might have been true of the other information requested, I'm sure the ICO and David Davis would not regard the simple question above as being 'vexatious'. I think they'd see it as fully

justified.”

RESPONSE

Section 14(1) of the Freedom of Information Act (the Act) says that a public authority is not obliged to comply with a request for information if the request is vexatious. We consider that to comply with your request would engage the exemption at Section 14(1) of the Act.

In reaching this decision we have worked through the Information Commissioner’s guidance on vexatious requests which provides examples of a number of indicators of a request for information which could be considered vexatious for the purpose of section 14(1) of the Act. The Information Commissioner’s guidance is available [here](#).

In accordance with the ICO’s guidance, it is clear from the wording of your request that the “*motive*” behind your request “*is to attack the public authority rather than being a genuine attempt to obtain information*”.

You refer to a judgement in your request from Judge Hughes in 2021. This reference is assumed to relate to EA/2020/0240. This was not a criminal case and no consideration of ‘guilt’ was being made. Furthermore, the judgement passed by Judge Hughes makes no reference to the descriptive terms, “obstruction, evasion and prevarication”, you use in your request. There was no fine related to this case. Due to the wording of your request, the inaccurate descriptions related to the above cited case, and the wording of previous requests, the Cabinet Office concludes that your request lacks serious purpose or value and is solely designed to cause irritation, distress and harassment.

In this instance, having carefully considered your request in light of the Information Commissioner’s guidance and considerations, I am of the view that Section 14(1) is engaged and we will not be processing this request further.

If you are unhappy with the service you have received in relation to your request or wish to request an internal review, you should write to:

Head of Freedom of Information
Cabinet Office
1 Horse Guards Road
London
SW1A 2HQ

email: foi-team@cabinetoffice.gov.uk

You should note that the Cabinet Office will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the Cabinet Office. The Information Commissioner can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. B. Smith', written in a cursive style.

FOI Team
Cabinet Office