



**Met HQ Strategy & Governance
Information Rights Unit**

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Your ref:

Our ref: 2018100000306,
2018100000421, 2018100000621,
2018100000836, 2018100000856,
2018100000887

Dear Mr Williams

**Freedom of Information Reference No: 2018100000306, 2018100000421,
2018100000621, 2018100000836, 2018100000856 and 2018100000887**

I write in connection with the 7 Freedom of Information Act requests received from you that are ongoing as of 18/10/2018 (reference numbers above in addition to your request dated 07/11/2018 that has yet to be allocated a reference number).

DECISION

The MPS is not required to comply with your request due to the following provisions of the Freedom of Information Act 2000:

- Section 14(1) – Vexatious Requests
- Section 17(5) – Refusal notice

REASON FOR DECISION

Section 14 – Vexatious requests

Section 14(1) (Vexatious requests) of the Freedom of Information Act 2000¹ states:

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

The Information Commissioner’s Office (ICO) guidance titled ‘Dealing with vexatious requests’² states:

¹ <http://www.legislation.gov.uk/ukpga/2000/36/section/1>

² <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

'The Information Commissioner recognises that dealing with unreasonable requests can place a strain on resources and get in the way of delivering mainstream services or answering legitimate requests. Furthermore, these requests can also damage the reputation of the legislation itself.'

*Section 14 (1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a **disproportionate** or **unjustified** level of disruption, irritation or distress.'*

The ICO's guidance in relation to section 14(1) lists a number of indicators that may assist with the identification of a vexatious request. This includes, but is not limited to:

'Burden on the authority

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.'

'Frequent or overlapping requests

The requester submits frequent correspondence about the same issue or sends in new requests before the public authority has had an opportunity to address their earlier enquiries.'

The code of practice issued under section 45 of the Freedom of Information Act 2000³ also states:

'7.10 Public authorities should also keep in mind the requirements of section 8, in particular, the requirement for applicants to provide their real name and not use a pseudonym... pseudonymous requests are not valid requests under the Act. However, the use of pseudonyms may also form part of broader considerations when considering whether or not a request, or a series of requests, should be considered vexatious.'

7.11 Finally, public authorities should note that the public interest in obtaining the material does not act as a 'trump card', overriding the vexatious elements of the request and requiring the public authority to respond to the request'

The frequency and overlapping nature of your requests combined with the subject matter of the requests, which are likely to require consideration of one or more FOIA exemptions and/or relate to a relatively small number of MPS units, have the potential to cause a disproportionate or unjustified level of disruption to the MPS.

I note that in addition to the requests cited within this correspondence, you have previously submitted 30 items of correspondence containing 84 questions within a 6 month period. These were aggregated together and refused in correspondence dated 21/09/2018, citing section 12. However, you were also advised that:

'...any queries asking for 'all information' or 'all data' are likely to exceed the appropriate cost limit on their own due to the size of the MPS, in terms of the

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722165/FOI-Code-of-Practice-July-2018.pdf

number of staff, the size and number of buildings used by the MPS, scope of responsibilities and geographical area covered.'

'...You may wish to limit the number and frequency of your queries to enable the MPS to comply with your requests without exceeding the appropriate cost limit. I would suggest no more than 2-3 'requests' within a 20 working day period'

'...should you continue to submit frequent and overlapping requests within a relatively short period of time, this may lead to future requests for information relating to alleged misconduct and/or covert policing being classed as vexatious.'

You were also advised that you may wish to consider the ICO's guidance titled 'How to access information from a public body'⁴, in particular the guidance under the headings 'How should I word my request to get the best result' and 'Information dos and don'ts'. A selection of the advice provided by the ICO that is relevant to your requests is as follows:

Do	Don't
Give the authority ample opportunity to address any previous requests you have made before submitting new ones.	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. If in doubt, try searching on the authority's website or enquiring whether any indexes and file lists are available. Alternatively, ask the authority for some advice and assistance in framing your request.
Stay focused on the line of enquiry you are pursuing. Don't let your attention start to drift onto issues of minor relevance.	Submit frivolous or trivial requests; remember that processing any information request involves some cost to the public purse.
	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'.
Aim to be flexible if the authority advises that it can't meet the full request on cost grounds and asks you to narrow it down. Try to work with the organisation to produce a streamlined version of the request which still covers the core information that is most importance to you.	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.

⁴ http://ico.org.uk/for_the_public/official_information

Since this time you have increased the frequency of your requests and submitted 6 requests within 12 calendar days or 9 working days from 03/10/2018 to 15/10/2018 relating to similar or overlapping themes. A 7th request was received on 07/11/2018 before the 20 working days had elapsed on 4 of these cases.

A valid Freedom of Information Act request must contain the applicant's real name. While the name provided is not an obvious pseudonym, some of the features of your requests are similar to other requests received by the MPS and other public authorities via WhatDoTheyKnow.com which indicates that these requests may form part of a campaign and/or that they are being submitted under a pseudonym. I also note that most of the information requested is also likely to require consideration of one or more FOIA exemptions. Regardless of whether or not this intentional, this would add to the 'burden' on the MPS caused by frequent and overlapping requests.

Section 14 is intended to protect the resources of public authorities in the broadest sense. With this in mind, your requests have been classed as vexatious in addition to the outstanding internal review reference number 2018090001119 which relates to multiple requests that were aggregated for the purposes of section 12 of the Freedom of Information Act 2000. A response to your internal review regarding your request relating to Operation Tiberius (ref:2018090000860) will be provided to you in due course.

Further requests to the MPS from you will be considered vexatious and/or potentially invalid unless you are able to provide proof of identity. If you would like to pursue this option please contact the Information Rights Unit at foi@met.police.uk or via post at

Information Rights Unit
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Should you be able to provide satisfactory proof of identity, section 14 may still be considered if you continue to submit multiple, overlapping requests within a 20 working day period.

Please note that in light of the above, the MPS will not conduct an internal review in relation to these requests. However, if you are dissatisfied with the response to your FOIA requests, you may wish to appeal the decision by contacting the Information Commissioner for a decision on whether your request has been dealt with in accordance with the requirements of the Act.

For information on how to make an application to the Information Commissioner, please visit their website at www.ico.org.uk. Alternatively, phone or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Phone: 0303 123 1113

I would also like to take this opportunity to apologise for the delay in responding to some of your requests. This was in part due to the volume and frequency of your requests as outlined in this correspondence, in addition to the MPS dealing with a high volume of requests more generally.

Yours sincerely

Brian Wilson
Senior Privacy Advisor

LEGAL ANNEX

Section 1(1) (General right of access to information held by public authorities) of the Freedom of Information Act 2000 states:

- (1) Any person making a request for information to a public authority is entitled—
- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
 - (b) if that is the case, to have that information communicated to him.

<http://www.legislation.gov.uk/ukpga/2000/36/section/1>

Section 14(1) (Vexatious requests) of the Freedom of Information Act 2000 states:

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

<http://www.legislation.gov.uk/ukpga/2000/36/section/14>

Section 17(5) and 17(6) (Refusal of request) of the Freedom of Information Act 2000 states:

- (5) A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.
- (6) Subsection (5) does not apply where—
- (a) the public authority is relying on a claim that section 14 applies,
 - (b) the authority has given the applicant a notice, in relation to a previous request for information, stating that it is relying on such a claim, and
 - (c) it would in all the circumstances be unreasonable to expect the authority to serve a further notice under subsection (5) in relation to the current request.

<http://www.legislation.gov.uk/ukpga/2000/36/section/17>