

Consideration of Freedom of Information Act Request 517.2016 – 2017

Request is considered vexatious.

NW already received a vexatious warning.

Using FOI as part of a campaign against NYP.

Highly personalised requests – see point 49 ICO Guidance. Use of requests to form part of Civil Claim. This specific request refers to other FOIs. Highly relevant to his misfeasance claim. Trying to demonstrate he is being treated differently.

Information on Social Media and blogs suggestive of a campaign against NYP. In one blog has stated “include another round of FOI requests, involving further expense,

Dransfield “Manifestly unjustified, inappropriate or improper use of a formal procedure” – take the view that these requests go beyond seeking info that is in public interest and form part of a campaign. Inappropriate use of procedure. Level of requests are unworkable. Using requests to evidence misfeasance in a public office claim. 27 requests to NYP alone since January.

List of ICO Indicators considered;

- Frequent or overlapping requests –submitted 21 FOI and internal review requests between 8 August and 22 September 2016 (33 working days) to the Civil Disclosure Unit, serving North Yorkshire Police (NYP) and the Office of the Police and Crime Commissioner (OPCC). The majority of these requests are complex and require a large amount of research.
- Burden on the authority – As at 23 September 2016, submitted 27 FOI and internal review requests to NYP alone since 1 January 2016. In addition to the requests submitted to the OPCC, and the NYP recent data subject access request and internal review, this has resulted in staff spending a disproportionate amount of their time facilitating your requests. In concentrating efforts on such a volume and complexity of requests from one area, this inevitably puts a strain on the Civil Disclosure Unit (CDU) in answering requests from other members of the public.
- Deliberate intention to cause annoyance – openly stated your intention to submit numerous requests to the CDU on the following on website (<https://neilwilby.com/>):

‘In the meantime, I will conduct further, legitimate enquiries in order to winkle out the answers that so many in North Yorkshire are keen to learn. This will include another round of freedom of information requests, involving further needless expense both to me, and to North Yorkshire Police.’

- Personal grudges –openly criticised specific post holders within NYP, the OPCC and the North Yorkshire Police Civil Disclosure Unit as a whole through articles, blogs and tweets. For example, posted the following comment on www.whatdotheyknow.com on 7 June 2016:

‘As an investigative journalist, very little matches the frustration of dealing with North Yorkshire Police on an almost daily basis. Their Civil Disclosure Unit is in need of a complete overhaul.’

The history of requests made by you, your social media pages, blog and associations also suggest that you are part of a campaign with a deliberate intention to cause disruption to NYP and the OPCC. made a number of disparaging remarks within your blog and via social media that are supportive of the view expressed in relation to your intentions. refer to a civil court matter between you and North Yorkshire Police in your requests, and in publishing the following link:
<https://neilwilby.com/2016/06/10/chief-constable-and-pcc-face-court-action-over-persistent-lawbreaking/>

furthermore assert above that your 'article that has been written about the persistent non-compliance and the court case will be updated accordingly', adding to the belief that using the FOI Act improperly.

Likely continued requests will be made to NYP on similar and overlapping subjects. The CDU is unable to maintain the burden. Losing roughly 1 full time member of staff to individuals requests.

Considered Decision Notices of ICO relating to vexatious campaigns. "FS50513174 "designed to harass and disrupt" "most significant factor is that the complainant runs an on-line blog in which the main focus is the DWP and their "cover- up" "disparaging remarks and language used cannot be overlooked"

FS50622296 "commissioner considered volume and frequency of the requests and whether they have placed a disproportionate burden on the Council and caused disruption to the Council's other duties" "it is not just a question of financial resources but also includes issues of diversion and distraction from other work"

At least half of request result in internal review.