



Information Rights Team
Post Office Limited
Ground Floor
Finsbury Dials
20 Finsbury Street
London EC2Y 9AQ
033 3665 3951

Our reference: FOI2020/00574

Ms Eleanor Shaikh
request-682752-e7706104@whatdotheyknow.com

18 September 2020

Dear Ms Shaikh,

Freedom of Information Request – FOI2020/00574

I am writing in response to your requests to Post Office Limited ("**Post Office**") under the Freedom of Information Act 2000 ("**FOIA**") received on 6, 7, 10, 13, 14, 17, 18, 19, 23 and 24 August 2020 with the above reference number, one of a total of 39 requests. **Appendix 1** to this letter reproduces each of the requests made.

We have considered your requests and consider them to be vexatious. Post Office is not required to comply with vexatious requests under section 14 of FOIA and as such, your requests have been refused.

The reasons for this decision are set out below.

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."

The Information Commissioner's Guidance ("**ICO Guidance**") on "Dealing with vexatious requests" explains that dealing with unreasonable requests can place a strain on the resources of a public authority and get in the way of delivering mainstream services or answering legitimate requests.¹ The ICO Guidance further states:

"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."²

To assist with identifying potentially vexatious requests, the ICO's Guidance sets out a number of indicators which includes the following:³

"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

¹ <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf> at paragraph 8.

² <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf> at paragraph 9.

³ <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf> at paragraph 25.

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."

We also note the following extract from the First-Tier Tribunal's decision in *IPPC v ICO* (EA/2011/0222, 29 March 2012):

"A request may be so grossly oppressive in terms of the resources and time demanded by compliance as to be vexatious, regardless of the intentions or bona fides of the requester. If so, it is not prevented from being vexatious just because the authority could have relied instead on s.12"

Finally, we note that the Code of Practice issued under section 45 of the Freedom of Information Act 2000 states that 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 requiring the public authority to respond to the request*".⁴ This point has also been reiterated by the Upper Tribunal⁵ and First-Tier Tribunal⁶.

For the purposes of section 14, we are entitled to take into account the number of requests made by an applicant, the amount of work that would be involved, and any other matters that we consider would demonstrate that the request imposes an unjustified burden on Post Office. We are entitled to do so in certain circumstances even where there is a serious purpose behind the request.

You have submitted 39 requests to Post Office in a period of less than three weeks (i.e. between 6 August and 24 August) in quick succession. Your requests are detailed and are likely to require Post Office to spend a significant amount of time not only retrieving responsive material but also in considering the extent to which exemptions under FOI apply to that material. In the circumstances, we consider that this would impose a disproportionate and oppressive burden on our resources and unjustified level of disruption.

In case helpful, you may wish to consider the guidance on the Information Commissioner's webpage titled "How to access information from a public body".⁷ This webpage includes a list of 'Dos and Don'ts' to assist members of the public with making effective requests under FOIA. In particular, we note that this section advocates giving the public authority "*ample opportunity to address any previous requests you have made before submitting new ones*" as well as advocating against "*disrupt[ing] a public authority by the sheer weight of requests or the volume of information requested*".

4

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf at paragraph 7.11.

⁵ https://assets.publishing.service.gov.uk/media/5b57139a40f0b6339963e8cf/GIA_2782_2017-00.pdf at paragraph 25.

⁶ [http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i2653/Boyce%20M%20\(EA-2019-0334\)%2028.05.20.pdf](http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i2653/Boyce%20M%20(EA-2019-0334)%2028.05.20.pdf) at paragraph 6(6).

⁷ <https://ico.org.uk/your-data-matters/official-information/>

If you have any queries about this response, please contact me, quoting the reference number above in any future communications.

I hope the information I have provided on this occasion is useful, however if you are dissatisfied with the handling of this response, you do have a right to request an internal review. You can do this by writing to the address below stating your reasons for your internal review request.

Information Rights Manager
Post Office Limited
Information Rights Team
Ground Floor
Finsbury Dials
20 Finsbury Street
London
EC2Y 9AQ
information.rights@postoffice.co.uk

If, having requested an internal review by Post Office, you are still not satisfied with our response you also have a right of appeal to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113
<https://ico.org.uk>

Yours sincerely,



Kerry Moodie
Information Rights Team
information.rights@postoffice.co.uk
<http://corporate.postoffice.co.uk/secure-corporate/about-us/access-to-information/@postofficenews>

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