

Mr Raja Miah

Oldham Council
Civic Centre
West Street
OL1 1UT

Dear Mr Miah

Re: Notice of Refusal – Freedom of Information Act 2000

The Information Commissioners' Office has asked us to formally reply to you in relation to the information requests/internal appeal requests received from yourself.

From the information supplied in your requests, it is believed that your requests for information have been designed to cause a disproportionate or unjustified level of disruption, irritation or distress to the services and staff of Oldham Council and has therefore been deemed to be a manifestly unreasonable and / or vexatious request.

Under Section 14[1] of the Freedom of Information Act 2000 (FOIA), we are entitled to not comply with manifestly unreasonable and / or vexatious requests and will therefore not be providing you with a response to your current requests or with any future request of a similar nature.

Freedom of Information Act 2000

Section 14 of the FOIA is intended to protect public authorities from those who might abuse the right to request information. It states:

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

The key question in assessing whether requests are deemed vexatious relates to whether or not the request is likely to cause unjustified and / or disproportionate distress, disruption, or irritation and cause an unreasonable burden on the Council resources. Also whether or not the requests are manifestly unjustified and / or an inappropriate / improper use of a formal procedure.

In making this assessment, we have considered the Information Commissioner's Office guidance which identifies factors to consider and these include some of the following:

- Can the request fairly be seen as obsessive / persistent / repetitive?
- Is the request harassing the authority or causing distress to staff?
- Does it indicate a personal grudge towards a particular person(s)?
- Does it use abusive and / or aggressive language?
- Would complying with the request impose a significant burden / disproportionate effort?
- Is the request designed to cause disruption or annoyance?

It has been noted that within your requests:

- there are similar themes e.g. Glodwick Baths, sale of land at Alexandra Retail Park, Oldham Central Masjid, declarations of interest by Elected Members amongst others. Some of these requests had initially been responded to already.
- your use of language and tone plus the targeting of officers, not just in your requests, but in your social media / websites activity is not acceptable and has been raised with you.
- your requests, although in the public domain via What Do They Know, are further publicised via your social media / websites and appear to be part of a campaign to discredit, annoy and disrupt the council and targeted individuals, as opposed to making a serious request for information.

In conclusion, in light of the above we will not be providing responses to your outstanding requests and it is appropriate to apply the exemptions. Furthermore, we will not acknowledge or respond to future requests that evidence this pattern of requests/behaviour.

If you disagree with the application of these exceptions to disclosure you may appeal to:

Paul Entwistle
 Director of Legal Services
 Oldham Council
 Civic Centre, West St,
 Oldham OL1 1UG

E-mail: paul.entwistle@oldham.gov.uk

If you still disagree with the decision following the appeal, you may wish to contact the Office of the Information Commissioner:

Information Commissioner's Office
 Wycliffe House

Water Lane
Wilmslow
Cheshire
SK9 5AF

<https://ico.org.uk/make-a-complaint/>
Tel: 0303 123 1113

Should your future requests reflect a pattern of behaviour that meets the requirement of the Act we will be happy to consider them on a case by case basis.

Yours sincerely

Oldham Council