



FREEDOM OF INFORMATION REQUEST



Request Number: F-2023-02417

Keyword: Policing Themes, Operations and Investigations Policing Other

Subject: PSNI Vulnerable People Policy

Request and Answer:

Pursuant to the provisions of Section 14 of the Freedom of Information Act 2000, the decision has been taken to refuse your request as it has been deemed a 'Vexatious Request'. Section 14 (1) of the Act does not oblige a public authority to comply with a request for information if the request is vexatious.

Request

Police forces have a duty to protect life and property, preserve the peace, and prevent and detect criminal offences.

This investigation is noted <https://www.policeombudsman.org/vulnerablepeople>.

PSNI should not allow medical services to be compromised when they have to be called out as the housing association refused to when the said elderly person was ill in bed.

The question is

1. why did PSNI allow this and
2. what procedures will be put in place to ensure that history does not repeat itself.

Answer

PSNI has now considered your requests for information above and, in responding to you, has engaged Section 14 (1) of the Freedom of Information Act 2000 (FOIA) as articulated in the response below.

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

The word "vexatious" is not defined in FOIA. However the Information Commissioner's (ICO) guidance on Section 14(1) states, it is established that 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 recognises that dealing with unreasonable requests can strain resources and get in the way of delivering mainstream services or answering legitimate requests. These requests can also

damage the reputation of the legislation itself.

The emphasis on protecting public authorities' resources from unreasonable requests was acknowledged by the Upper Tribunal (UT) in the leading case on Section 14(1) Information Commissioner Vs Devon County Council & Dransfield. Dransfield established that the key questions for a public authority to ask itself is whether the request is likely to a disproportionate or unjustified level of disruption, irritation or distress.

The four broad themes considered by the UT in Dransfield were:

- the burden on the public authority and its staff
- the motive (of the requester)
- the value or serious purpose (of the request); and
- any harassment or distress (of and to staff)

However, the UT emphasised that these four broad themes are not a checklist, and they are not exhaustive. The UT stated:

“all the circumstances need to be considered in reaching what is ultimately a value judgement as to whether the request in issue is vexatious in the sense of being a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA” (Paragraph 82)

PSNI believes that this request is part of a pattern of previous requests designed to burden PSNI and to cause disruption. As with previous requests from you the requester you appear to be continuing to pursue and repeat requests.

These previous request numbers are listed under:

FOI-2023-01044

FOI-2023-01067

FOI-2023-01152

FOI-2023-01347

FOI-2023-01390

FOI-2023-01470

FOI-2023-01836

FOI-2023-02060

FOI-2023-02117

FOI-2023-02147

As with previous requests on this subject matter from you the requester, the seeking of clarification by PSNI to you the requester provides no clear direction on what specific information you the requester seek. As a consequence PSNI sees no value in requesting any clarification from you.

The burden on PSNI is not just a question of financial resources, but includes issues of distraction and diversion from other work. In this case, the complainant appears to be continuing to pursue and repeated requests and the requests now appear to lack purpose or value and are extremely unclear as to what is being sought from PSNI. Once a response is issued, PSNI will receive further requests on similar themes. PSNI's Corporate Information team and District Policing teams have expended

many hours in handling these requests.

Given the above PSNI is providing a Section 14(1) response to you.

Please Note

In this request you have referred to a Police Ombudsman for Northern Ireland media release published on 7th March 2023 which stated:

“The Police Ombudsman has commenced an investigation into the PSNI policies and practice and the obligations imposed on police officers when interacting with vulnerable people.”

It went on to say:

“..the wide ranging investigation will consider the existing PSNI service Instruction that relates to police interacting with those who have a vulnerability..”

If you have any queries regarding your request please write or contact the Freedom of Information Team on 028 9070 0164. Please remember to quote the reference number listed above in any future communications with the Freedom of Information Team.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Corporate Information Manager, Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.police.uk.

If, following an Internal Review carried out by an independent decision maker, you remain unhappy about how your request has been handled you have the right to apply in writing to the Information Commissioner, under Section 50 of the Freedom of Information Act, at 'Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. There are a number of other platforms you can use to contact the ICO and these can be found on the ICO's website at the following link: [Make a complaint | ICO \(https://ico.org.uk/make-a-complaint/\)](https://ico.org.uk/make-a-complaint/).

In most circumstances, the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out however, the Commissioner has the option to investigate the matter at their discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.