



Home Office

Shared Services  
Directorate  
2 Marsham Street  
London SW1P 4DF

020 7035 4848  
(switchboard)

[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

**CA Purkis**

[request-187469-7b46c7a8@whatdotheyknow.com](mailto:request-187469-7b46c7a8@whatdotheyknow.com)

Dear Ms Purkis

**Freedom of Information request (our ref: 30211): internal review**

Thank you for your e-mail of 16 January 2014, in which you asked for an internal review of our response to your Freedom of Information (FoI) request about Sarah Rapson's correspondence.

I have now completed the review. I have examined all the relevant papers, and have consulted the policy unit which provided the original response. I have considered whether the correct procedures were followed. I confirm that I was not involved in the initial handling of your request.

My findings are set out in the attached report. My conclusion is that the decision to refuse to answer your request citing section 14(1) of the FOI Act – vexatious requests – was correct. For further information see paragraphs 10-26.

Yours sincerely

**Diana Pottinger**  
**Information Access Team**

Internal review of response to request under the Freedom of Information (Fol) Act 2000 by CA Purkis (reference 30211)

**Responding Unit: Information Management Services (IMS)**

**Chronology**

Original Fol request: 18 December 2013

IMS response: 16 January 2014

Request for internal review: 16 January 2014

**Subject of request**

1. This is part of a series of requests posed by Ms Purkis on the subject of the performance of the Customer Service team in relation to answering correspondence, and how Sarah Rapson, Director General UK Visas and Immigration communicates with the team. These questions were included in an Internal Review request. For the full text of the request see **Annex A**.
2. Ms Purkis has submitted a total of 20 initial requests and 8 internal reviews to the Home Office since June 2013. A complete list is at **Annex D**.

**The response by IMS**

3. The response refused to answer the request on the grounds that it was vexatious – section 14(1) of the FOI Act. For the full text of the response see **Annex B**.

**The request for an internal review**

4. Ms Purkis stated that she had a right to ask the questions, and that it is not acceptable for the Home Office to simply make any request that they find uncomfortable vexatious. She therefore asked for her request to be re-considered. For the full text of the internal review request see **Annex C**.

**Procedural issues**

5. The Home Office received Ms Purkis' request via email on 18 December 2013.
6. On 16 January 2014 the Home Office provided Ms Purkis with a substantive response, which represents 18 working days after the initial request. Therefore, the Home Office complied with section 10(1) by providing a response within the statutory deadline of 20 working days.
7. The response stated that the request had been refused on the grounds that it was vexatious.

8. Ms Purkis was informed in writing of her right to request an independent internal review of the handling of her request, as required by section 17(7)(a) of the Act.
9. The response also informed Ms Purkis of her right of complaint to the Information Commissioner, as set out in section 17(7)(b) of the Act.

## Consideration of the response

## Use of exemptions

### Section 14(1) – vexatious requests

10. The response refused to answer Ms Purkis' request on the grounds that it was vexatious.
11. Section 14 Vexatious or repeated requests.
  - (1) *Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.*
  - (2) *Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.*
13. The Information Commissioner's Office guidance states:

"The Freedom of Information Act was designed to give individuals a greater right of access to official information with the intention of making public bodies more transparent and accountable. Whilst most people exercise this right responsibly, a few may misuse or abuse the Act by submitting requests which are intended to be annoying or disruptive or which have a disproportionate impact on a public authority.

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".

14. The Upper Tribunal recently considered the issue of vexatious requests in the case of the **Information Commissioner v Devon CC and Dransfield [2012] UKUT 440(AAC)**. The Tribunal said:

"the purpose of section 14 must be to protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use of FOIA."

15. A number of factors need to be taken into account in deciding whether a particular request, or series of requests is vexatious:

### **Burden on the authority**

16. Ms Purkis has submitted 63 requests via whatdotheyknow.com; 20 of which have been to the Home Office in the past six months. On several occasions, two or more questions have been submitted on the same day, or on consecutive days. Many of the requests are wide ranging, containing several questions, and/or asking for 'all the information you hold about x'. Ms Purkis has requested internal reviews of the responses to 8 of these requests. This constitutes a considerable burden for correspondence teams who will then have less time to devote to answering other correspondence. A spreadsheet listing requests from June 2013 - 16 Jan 2014 is attached at **Annex D**.

### **Abusive or aggressive language/Unfounded accusations**

17. Ms Purkis' questions are framed in such a way as to imply that former UKBA/Home Office staff are incompetent and corrupt. For instance, the current request includes the following wording:
18. "Let me rephrase the questions in the hope that we, the public, get SOME kind of response, as writing as individuals to the Home Office proves absolutely fruitless. We are most often ignored, side-lined and patronised." And the request for an internal review describes the Home Office as "beleaguered...failing... and some consider an anarchist organisation".
19. Ms Purkis has also made 132 disparaging annotations on her own and other customers' requests on the whatdotheyknow website. These included describing the ICO's decision not to confirm or deny whether it had been notified of any Data Protection breaches by the Home Office as "Collusion by any other name!"

### **Unreasonable persistence**

20. Any request, whether or not information is disclosed results in further questions, rephrased questions, and assertions that the department ought to hold/disclose the information in question.
21. Paragraph 57 of the Information Commissioner's guidance in support of citing section 14(1) states that:

"...if the authority's experience of dealing with his previous requests suggests that he won't be satisfied with any responses and will submit numerous follow up enquiries no matter what information is supplied, then this evidence could strengthen any argument that responding to the current request will impose a disproportionate burden on the authority."

### **Futile requests/no obvious intent to obtain information**

22. The requests are being used as a means of venting frustration at an incident where she believed that there had been unauthorised access to her personal information by UKBA staff members. Whilst it is reasonable for Ms Purkis to seek reassurance that this complaint was properly investigated, the number and nature of Ms Purkis FOI requests have gone beyond the proportionate and legitimate use of the FOI Act.

23. In a similar case, the Home Office's decision to treat a series of requests as vexatious was upheld at the Information Commissioner's Office. You can access the case from the following link:

[http://ico.org.uk/~media/documents/decisionnotices/2013/fs\\_50496058.ashx](http://ico.org.uk/~media/documents/decisionnotices/2013/fs_50496058.ashx)

24. Any further requests from Ms Purkis on the following subjects will be treated as vexatious, and will not receive a response.

- Professional Standard unit – rules, regulations, procedures and correspondence
- UK Border Agency/Home Office complaints procedures
- Individuals in UKBA/HO
- HO Internal Discipline policy, rules, procedures and guidelines
- Employment contract terms and conditions
- HO governance of info it holds under DPA

## **Conclusion**

25. The response was sent within 20 working days; consequently the Home Office complied with section 10(1) of the FOI Act.

26. The Home Office correctly informed Ms Purkis that the response was vexatious – section 14(1) of the FOI Act.

27. There was no requirement to comply with section 1(1)(a), as the request was vexatious.

28. The response complied with the requirements in section 17(7)(a) and 17(7)(b) as it provided details of the complaints procedure.

**Information Access Team**  
**Home Office**  
**[Date]**

## **Annex A – full text of new questions**

Let me rephrase the questions in the hope that we, the public, get SOME kind of response, as writing as individuals to the Home Office proves absolutely fruitless. We are most often ignored, side-lined and patronised. In the hope that my MP might get a little more respect, I went to seek help from him. I'm afraid he was treated with the same disdain that we are all subjected to, so getting answers from The Home Office has forced the public into seeking FOI requests. This fact now generally acknowledged by certain Select Committee's.

1. What is Ms Rapson's policy for time constraints on the letters and issues which are brought to her department for resolution?

Every other government organisation has a time period in which they are required to either reply or update. If Ms Rapson does not have any time constraints in place, could you tell me why Ms Rapson feels that the public is NOT entitled to timeous responses? Perhaps if her staff were subjected to deadlines, there would not be the horrendous backlog at your organisation, that there currently is.

2. What procedures are in place for members of her customer services team to deal with letters of complaints submitted by MP's, and please could you provide me with a copy of this procedure.

3. Could you confirm that you have no data recorded for the number of cases or complaints that Ms Rapson PERSONALLY deals with on any level? For example - the PHSO have a process in place where, if you are not happy with the way your case is dealt with, it goes to a review team and some of these cases are presented to the Ombudsman, herself, for review and sign off. This data is recorded in their online management system. Does Ms Rapson have a similar policy?

4. I refer to question 1.

5. I refer to question 2.

6. What procedural policy distinction is there between dealing with letters from MP's and letters from members of the public? i.e. Is there a dedicated team that ONLY deals with MP's queries, or do your letters of complaint all go into the same pot? I have some further questions which have sprung from your response; You have stated that Ms Rapson does not send internal memo's? How very bizarre. Could you provide me with the last ten emails that Ms Rapson sent her Director of Customer Service please. If Ms Rapson does not send memo's to her staff, could you please tell me how she communicates with her heads of department or staff members? Could you provide me with the minutes of the last meeting that Ms Rapson had with any of her colleagues or members of staff regarding customer service. Let me make it very clear - just the last meeting she had.

Please could you provide me with the results of your last staff survey undertaken. You state that you answered my questions regarding the job titles of officials and confirmation that Ms Rapson does not deal with any letters from MP's herself in my FOI request 29012.

As you do not wish to provide me with job titles, please could you provide me with

the direct telephone number of the Director of Customer Services as well as Ms Rapson's.

## **Annex B – full text of response letter**

Ref: FOI 30211

16 January 2014

Dear CA Purkis,

Thank you for your email of 18 December 2013. Your request has been handled as a request for information under the Freedom of Information Act 2000.

We have considered your request and we believe it to be vexatious. Section 14(1) of the Act provides that the Home Office is not obliged to comply with a request for information of this nature. We have decided that your request is vexatious.

If you are dissatisfied with this response you may request an independent internal review

of our handling of your request by submitting a complaint within two months to the address below, quoting reference **30211**. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Access Team  
Home Office  
Ground Floor, Seacole Building  
2 Marsham Street  
London SW1P 4DF  
e-mail: [info.access@homeoffice.gsi.gov.uk](mailto:info.access@homeoffice.gsi.gov.uk)

As part of any internal review the Department's handling of your information request will be

reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.



## **Annex C – text of IR request**

Dear Home Office,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Home Office's handling of my FOI request 'Sarah Rapson vs Lin Homer'.

I am dissatisfied with your response, and request an 'independent' internal review. My reference number is 30211. Let me help you, and explain to you why I am dissatisfied with your response.

It is a well acknowledged fact that your organisation is beleaguered. You have huge backlogs, are constantly in the media for unacceptable actions, and yet refuse to acknowledge any wrongdoing whatsoever. Only today, in the news, a report of your organisation, handcuffing an 80 something year old Canadian to a hospital bed, against doctors instructions, and who subsequently died.

I, as a member of the public, and as an individual, who has had five years of brutal treatment by your organisation, am QUITE ENTITLED to ask for information regarding the head of this failing organisation. Without members of the public pushing for information and change, you would be in danger of becoming, what some already consider an anarchist organisation.

I have asked some very relevant questions, in order to see how Ms Rapson is making the changes she has promised to the HASC, but which we are yet to see come to fruition. Please, therefore, re-consider my request.

It is not acceptable for the Home Office to simply make any request that they find uncomfortable, vexatious. Perhaps if they were to deal with matters in the spirit of proper customer service, they would not have so many problems.

A full history of my FOI request and all correspondence is available on the Internet at this address: <https://www.whatdotheyknow.com/request/s...>

Yours faithfully,

CA Purkis

## Annex D – list of requests submitted since June 2013

FOI Number	Request Received	FOI Question
27825	12/06/2013	Please could you provide me all paperwork held with regard to the remit of the UKBA Immigration Enquiry Bureau i.e. what is their function within the UKBA.
27960	20/06/2013	<p>Dear Home Office,</p> <p>Please could you provide me with the number of webpages the UKBA website is comprised of?</p> <p>Please could you tell me how often the UKBA Website is changed, altered or upgraded?</p>
28064	03/07/2013	<p>In your response dated 2nd July 2013 you state several times that that the Croydon Contact Centre is a 'general' Immigration helpline.</p> <p>If this is the only helpline available to applicants, where would they seek specific help regarding UKBA policies and procedures that are not listed on your website? For example - instances where applicants fall outside of the rules and regulations?</p> <p>As applicants are entitled to information regarding your organisations rules and procedures, kindly provide me with the information as to where they would find this information.</p>
28386	18/06/2013	<p>Please could you provide me with the amount of complaints you received against the UKBA from 2011-2012?</p> <p>Please could you tell me how many of these complaints were upheld?</p> <p>Please could you tell me how many complaints did you receive against the Immigration Enquiry Bureau from 2011- 2012?</p>
28463	07/08/2013	<p>Please could you provide me with a copy of your internal discipline policy.</p> <p>Could you also provide me with a copy of your Professional Standards Unit complaints guidelines.</p>
28663	19/08/2013	<p>How many complaints by members of the public regarding Home Office Employees were passed on to the PSU in the last year.</p> <p>How many of these complaints by members of the public (in the last year) were upheld by the PSU i.e. The PSU found that the complainant had a valid complaint.</p> <p>What jurisdiction does the PSU have within the Home Office.</p>

		<p>Who does the Head of the PSU report to directly?</p> <p>Please could you tell me who is in charge of your Professional Standards Unit?</p> <p>Please could you provide me with any and all information relating to the Professional Standards Unit and it's role, held by the Home Office.</p>
28934	12/09/2013	<p>Dear Home Office,</p> <p>Please provide me with a copy of the written statement specifying disciplinary rules and procedures, that you provide to your employees.</p>
28951	13/09/2013	<p>Could you provide me with a copy of a standard employment contract for a caseworker at the Home Office UKBA.</p>
28954	13/09/2013	<p>Dear Home Office,1. The Data Protection ActThe Data Protection Act controls how your personal information is used by organisations, businesses or the government. Everyone who is responsible for using data has to follow strict rules called 'data protection principles'. They must make sure the information is:used fairly and lawfullyused for limited, specifically stated purposes used in a way that is adequate, relevant and not excessive accurate kept for no longer than is absolutely necessary handled according to people's data protection rights kept safe and secure not transferred outside the UK without adequate protectionWith the above principles of the Data Protection Act in mind, and under the Freedom of Information Act, please could you provide me with the following information;</p> <p>1. What specific procedures do you have in place for your employees handling individual applicants data and how are these procedures relayed to them. In other words - are your employees given special training in the principles of the Data Protection Act, or given any rules and regulations by your organisation when it comes to handling individual applicants data. Please provide me with a copy of these procedures, or any information given to employees regarding the handling of individual applicants data.2. Please provide me with a copy of your procedures for reporting or disciplining any caseworker that is found to have improperly accessed an individual applicants data.3. Please could you provide me with the number of employees that have been found to have improperly accessed files or data at the Home Office between 2005 and 2013.4. Please could you provide me with the number of employees that were dismissed due to their being found to have improperly accessed any individuals file at the Home Office, during the period 2005 to 2013.Yours faithfully,CA Purkis</p>

28982	17/09/2013	<p>In a summary of a released report regarding the investigations into the allegations made by Louise Perret about her experience working for the UKBA, The Professional Standards Unit made several recommendations at the time.</p> <p>One of the recommendations was that the UK Border Agency should consider engagement with the PCS concerning advice they gave to their members not to come forward with evidence for the investigation and to encourage full co-operation from Union representatives.</p> <p>Under the Freedom of Information Act, please could you provide me with the following information;</p> <p>All the correspondence, notes, or minutes of meetings that were had with the PCS regarding this matter.</p>
28992	17/09/2013	<p>In reply to a Freedom of Information Request with the reference 28386, you provided me with a figure of 245 complaints against the IEB received from the public. You stated that there were 164 service complaints and 81 minor misconduct complaints.</p> <p>Please provide me with a list of these complaints. Any names that need to be redacted, can be so done. In other words, I would like a list of what these complaints were regarding.</p> <p>You stated that two serious misconduct complaints were referred to the Professional Standards Unit.</p> <p>Please could you provide me with information as to what these complaints were about. Any names that need to be redacted can be so done. In other words I would like to know what these two serious misconduct complaints were regarding.</p> <p>Could you also provide me with the details of the outcome of the Professional Standards investigation into these two matters. In other words, without providing me with the names of the people involved, could you tell me if your staff members were disciplined and how they were disciplined?</p>

29010	18/09/2013	<p>follow-up to 28663 I would now also like to know the salary band of this 'middle-ranking' civil servant. Please could you translate your on average a 'fifth' of these complaints - into a recorded figure, and not a fraction. I have requested which one of your UPPER ranking civil servants (this information is recorded) is in charge of the Professional Standards Unit. If it is the Interim Director, please confirm - otherwise provide me with the details of the person who is in charge ultimately. As you have refused to supply me with the name of the Head of the Professional Standards Unit - a department of the Home Office, could you confirm that the name of this person is nowhere on public record, as are many of the heads of departments of the Home Office are. If this person's name is on public record, then you are required by law to provide me with their name. Could you also give me a reason why the name of a head of department in a government body is not available to the public?</p>
29012	18/09/2013	<p>With regard to your Interim Director General UK Visa and Immigration, please provide me with the following information;</p> <p>What is her policy on answering communication from Members of Parliament?</p> <p>Does she see ALL letters written by Members of Parliament herself?</p> <p>If not - how many letters from Members of Parliament does she deal with personally?</p> <p>If she does not deal with letters from Members of Parliament herself, who does?</p> <p>How long, on average, does it take to answer a letter written to her from a Member of Parliament</p>
29107	26/09/2013	<p>Under the FOI Act could you tell me who is ultimately responsible for the Professional Standards Unit? Could you confirm whether this is David Wood - interim director general of Immigration and Enforcement or Mr Hugh Ind?</p> <p>I look forward to your timeous response.</p>
29113	27/09/2013	<p>requested phone number for the head of the Professional Standards Unit</p>

29359	21/10/2013	<p>The information below is taken from the ICO website.</p> <p>If you provide a service allowing members of the public to send electronic messages, you have an obligation to safeguard the security of that service. If, despite your security measures, personal data is accidentally lost, altered or disclosed, or someone accesses it or passes it on without proper authorisation, you need to notify the ICO. You also need to keep a log of these breaches and you may need to notify your customers.</p> <p>Once you become aware of a security breach, you will need to notify the ICO of the basic facts within 24 hours. If you do not yet have the full details, you will need to provide them to us as soon as possible after that.</p> <p>Please could the Home Office provide me with the number of security breaches they have reported to the ICO in the last year. Could they also tell me if any security breaches were reported to members of the public in the last year.</p>
29359 second question under the same reference	21/10/2013	<p>Could I please have any information as to how many complaints, legal actions, or other complaints specifically received concerning breaches of the Data Protection Act by The Home Office, or any of the departments within it? These to cover complaints etc from individuals, legal representatives, or other bodies. The breaches to include matters of any nature that are covered by the Data Protection Act</p>
29854	29/11/2013	UKVI's Director General's correspondence policy/communications with correspondence handling team
30211	18/12/2013	UKVI's Director General's correspondence policy/communications with correspondence handling team
30341	16/01/2014	number, grades and organisation of the FOI team

## **Annex E – complaints procedure**

This completes the internal review process by the Home Office. If you remain dissatisfied with the response to your FoI request, you have the right of complaint to the Information Commissioner at the following address:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF