

Our reference: 1007533



Mr Edward Williams
Sent by email to:
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30 April 2019

Dear Mr Williams

Thank you for your information request received on 1 April 2019. We have considered your request under the Freedom of Information Act 2000 (FOIA) and this letter sets out our response.

You requested the following information in relation to an IOPC independent investigation:

“BACKGROUND

“After being notified by West Midlands Police, IOPC investigators were sent to the scene and began an investigation. That included reviewing body worn video from the officer who fired the single shot.”

Request:

Provide body worn video of the officer who fired the single shot at Mr Cousins. Provide the statement from the officer provided to you. This should include his/her collar no.”

We can confirm that we hold the information you have requested but we have decided that we are not obliged to comply on the basis of section 14(1) of the FOIA which relates to vexatious requests.

Section 14(1) of the FOIA states:

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

The Tribunal has defined ‘vexatious’ as “*the manifestly unjustified, inappropriate or improper use of a formal procedure*”.

In our decision letter of 22 February 2019 relating to eight FOIA internal reviews, we identified the tipping point at which your requests to the IOPC had become vexatious. We gave detailed reasons for our decision, which referred to the cumulative burden of your continued requests, the extent to which they revealed an intransigent mind-set and the evidence that their purpose and value could not justify the impact on the

IOPC. We consider that these reasons apply equally to your current request with the result that it engages section 14(1).

Although this request, when considered in isolation, may not necessarily be construed as vexatious we consider that it becomes so when your previous requests and associated correspondence is taken into account. We have decided that your latest request contributes to the aggregated burden placed upon the IOPC.

We have explained to you on numerous occasions the sensitivities that limit our disclosure of specific investigation information and the exemptions that apply under the FOIA; however you have persisted in making requests for the same type of information in the expectation that you will receive all or nearly all of that information. This is unrealistic. We have explained our commitment to transparency about our work which is demonstrated within our Publication Policy and in this case we have published already a [detailed summary](#) of our involvement in this case and our findings.

You fail to provide any indication of the purpose behind your requests nor any wider value or public interest that could apply. The number of requests attributed to you on the What Do They Know (WDTK) website, mainly to various criminal justice-based public authorities, is currently 354. It appears that you continue to make a high volume of requests across the sector in a scattergun approach without any clear or coherent purpose and with no sign of stopping.

An assessment of your correspondence with the IOPC demonstrates that in virtually every case you have followed up your requests with an internal review with minimal or no representations. The internal review requests are regularly submitted within minutes of receiving our response, giving strong indications that you have not fully considered our rationale and explanations for refusing information. This behaviour appears to be replicated across your WDTK based requests and suggests to us that the motivation behind your correspondence is to cause unwarranted disruption to the IOPC and other public authorities rather than to pursue legitimate requests for information under the FOIA.

As you can continue indefinitely with your practice of finding on-line sources on which to base your requests and there is no other indication as to why you are making them, it is reasonable to anticipate that the IOPC will receive further requests from you for investigation related information. It appears to us that you are unlikely to be satisfied with our responses unless you receive entire and unredacted copies of investigation related material, even though there are clear limitations and sensitivities connected with disclosure that would be obvious to any reasonable person.

We have concluded that this request bears the hallmarks of the identified pattern of intransigent behaviour that we outlined in our letter of 22 February 2019 and consequently we are refusing to comply with your request by virtue of section 14(1) of the FOIA.

If you have any questions about this request please contact us. Please remember to quote reference number 1007533 in any future correspondence about this matter.

If you are not satisfied with this response you may request an internal review by an independent internal reviewer, who has had no involvement in dealing with your request. If you wish to complain about any aspect of this decision, please contact:

Reviewing Officer
Independent Office for Police Conduct
PO Box 473
Sale M33 0BW

All emails requesting a review should be sent **directly** to: dpo1@policeconduct.gov.uk
Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner; however we should point out that under section 50(2)(a) of the Freedom of Information Act, you are normally obliged to exhaust the IOPC's own internal complaint mechanism before complaining to the Information Commissioner.

Yours sincerely



PP

Derrick Campbell
Regional Director
Independent Office for Police Conduct