

Mr James Burke
Lovle Limited
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PJ/WJN

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15 July 2010

peter.judge@onenortheast.co.uk

Dear James

Refusal Notice under the Freedom of Information Act 2000

You have recently made requests for information dated 12 and 13 July 2010, concerning JEREMIE, grants and procurement.

These requests are being handled under the Freedom of Information Act 2000. I confirm that One North East holds the information that you have requested. However, having considered the Information Commissioner's Office Guidance and the context and history of these requests, we consider that the exemption under section 14(1) applies. As a result, One North East will not provide the information requested.

Legal basis

Section 14(1) states that "[the right to information under the Freedom of Information Act 2000] does not oblige a public authority to comply with a request for information if the request is vexatious."

The Agency has taken into account the context and history of these requests and the requests previously made, and the information provided and your complaints (made through your company, Lovle Limited) regarding EDNE, JEREMIE, procurement and the Difference Engine.

Having regard to all the circumstances, our view is that your persistent requests fall within the scope of the Section 14(1) exemption. They are vexatious in that these requests, given their context and history can be seen as obsessive, lacking in any serious purpose or value and intent on causing disruption or the imposing of a significant burden on One North East resources.

Reasoning

This is a serious decision, which has not been taken lightly and I would like to take this opportunity to set out some of the reasons for the decision:

- We have already fully investigated your previous complaint (raised by you through your company, Lovle Limited) about One North East funded investment initiatives – the Design and Creative Fund and the Difference Engine. Your appeal of the investigation's findings has been completed and the findings were upheld. We take complaints very seriously and have communicated with you and/or your fellow directors at every step through emails, letters, telephone calls and meetings. Whilst a considerable amount of information has been provided to you throughout this process, I note you remain dissatisfied that your company did not receive funding.

- Your requests appear to lack any serious purpose or value in that your concerns were discussed, appropriately dealt with, and internally reviewed. Following the closure of your complaint, it appears that your requests seek only to disrupt the Agency and Agency funded investment initiatives, and to re-open issues that have been dealt with during the course of the complaints process.
- You have now submitted 149 separate requests for information since 3 December 2009. Almost exclusively, these requests have related to the details surrounding Agency funded investment initiatives or the Agency's FOI handling processes. We have responded to every request except those to which this refusal notice relates.
- We are committed to full compliance with the letter and spirit of the Freedom of Information Act. We have sought to help and assist you with every request. We have sought to provide information to satisfy your concerns and we have committed considerable resources from the Agency and our partner organisations. As you know, we only have limited resources and your 149 requests represent approximately 41% of the total FOI requests handled by One North East over this period. The nature and volume of your requests suggest you are attempting to impose a significant burden on the Agency or to cause disruption to the Agency's operations and/or our funded investment initiatives. Compliance has indeed strained the Agency's resources, including those of the FOI function and its ability to deal with other requests.

Clearly, it is not appropriate to detail every reason fully here (and the Agency reserves the right to raise these and any further and additional points with the Information Commissioner in the event of an appeal). However, I hope the above provides sufficient details to explain the decision.

Accordingly, it is the Agency's view that section 14(1) applies. As a consequence, One North East must refuse your request to disclose the information.

How to Complain

If you are unhappy with our response, or do not consider that we have handled your request properly and we are unable to resolve this issue informally, you are entitled to make a formal complaint to the One North East Chief Executive, Alan Clarke under our complaints procedure. You can obtain a copy of our complaints form, policy and procedure from:

Head of Legal Services

Legal Services
Stella House
Goldcrest Way
Newburn Riverside
Newcastle upon Tyne
NE15 8NY

Alternatively, you can complete the form online at www.onenortheast.co.uk. There is no charge for an appeal.

If you are still unhappy after we have investigated your complaint and reported to you the outcome, you may complain directly to the Information Commissioner's Office and request that it issue a 'decision notice' to ascertain whether we have dealt with your request in accordance with the Act.

The Information Commissioner's Office can be contacted at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or via the website at www.ico.gov.uk.

Yours sincerely

A handwritten signature in black ink that reads "Peter Judge". The signature is written in a cursive style with a large initial 'P'.

Peter Judge

Head of Legal Services and Procurement
One North East