



Home Office

Corporate Services
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Wayne Pearsall

[request-255334-
e0d68aa7@whatdotheyknow.com](mailto:request-255334-e0d68aa7@whatdotheyknow.com)

March 2015

Freedom of Information request – 34477

Dear Mr Pearsall,

Thank you for your email of 24 February. Your request has been handled as a request for information under the Freedom of Information Act 2000.

You asked:

- 1) Please can you provide me with a copy of your "Vexatious Correspondence and Complaints Process"?
- 2) Please can you tell me with regards to your vexatious correspondence and complaints process?
 - (a) How many times this has been used in the last 5 years, broken down by year.
 - (b) How many times in the last 5 years (broken down by year) has it been used broken down by department?
 - (c) Whether a warning system to advise service users of this procedure is in place.
 - (d) Whether there is any appeal process

The Home Office considers the above FoI is vexatious.

In reaching this decision, we have given careful consideration to the criteria laid out by the Information Commissioners Office. A copy of this guidance can be viewed at – <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

The decision to make your requests vexatious has also been taken in line with the decision of the Upper Tribunal in the case of *Information Commission v Devon CC and Dransfield* [2012] UKUT 440(AAC)).

Please see the link below which provides the full detail of this decision.

<http://www.ossesc.gov.uk/Aspx/view.aspx?id=3680>

In this case, the Upper Tribunal concluded that when considering whether a freedom of information (FOI) request is vexatious or not, it will depend on the burden of meeting the request; the motive of the requester(s); the value or serious purpose of requests, and any harassment or distress caused.

In this respect, by repeatedly submitting requests to the department, it is considered that the underlying rationale or justification for your requests appears to be to impose an undue and disproportionate burden on public resources. When these requests are aggregated they have the effect of not only causing disruption to the business units concerned, but also in placing a significant strain on the department as a whole.

Please note the Home Office will not acknowledge or respond to any more of your requests which it considers to be vexatious in nature. This includes the request set out at **Annex A**.

Yours sincerely

N Rawell

Information Access Team

E-mail: info.access@homeoffice.gsi.gov.uk

Switchboard 020 7035 4848

Annex A

From: Wayne Pearsall [<mailto:request-256836-e52277b1@whatdotheyknow.com>]

Sent: 05 March 2015 22:48

To: FOI Requests

Subject: Freedom of Information request - Criminal Offence of Swearing?

Dear Home Office,

Following Mr Justice Bean's ruling in the High Court ([2011] EWHC 3992 (Admin)) in 2011, Home Office held a consultation into section five of part I of the Public Order Act 1986, which had previously been used to prosecute those who swore at officers.

I am interested to receive a copy of any report which was produced as a result of this consultation. Please can you supply a copy of any report, or written findings from the consultation. FYI: I have seen

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/157869/consultation-document.pdf

I do believe that further guidance has been issued internally within the Home Office following this ruling. I would like to receive a copy of the said guidance.

Yours faithfully,

Wayne Pearsall

Annex

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 **34477**. 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

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.