



Information Commissioner's Office
Promoting public access to official information
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Freedom of Information Act

Vexatious requests – a short guide

The Freedom of Information Act 2000 (FOIA) gives rights of public access to information held by public authorities. This is part of a series of guidance notes to help public authorities understand their obligations and to promote good practice.

This is a short guide for public authorities on how to identify a vexatious request. More detailed information is available in our [Vexatious and repeated requests](#) guidance.

Overview

- Section 14(1) states that public authorities do not have to comply with vexatious requests. There is no public interest test.
- To decide whether a request is vexatious, you need to look at its context and history. The key question is whether the request is likely to cause unjustified distress, disruption or irritation.
- In particular, you should consider the following:
 - ▶ Can the request fairly be seen as obsessive?
 - ▶ Is the request harassing the authority or causing distress to staff?
 - ▶ Would complying with the request impose a significant burden in terms of expense and distraction?
 - ▶ Is the request designed to cause disruption or annoyance?
 - ▶ Does the request lack any serious purpose or value?
- If a request is vexatious, you do not have to provide any information or confirm or deny whether you hold it. However, you will usually still need to issue a refusal notice (unless you have previously issued one and it would be unreasonable to issue another).

Relevant factors

Deciding whether a request is vexatious is a balancing exercise, taking into account all the circumstances of the case. The key question is whether the request is likely to cause unjustified distress, disruption or irritation.

To help you identify a vexatious request, we recommend that you consider the following questions, taking into account the context and history of the request:

- **Can the request fairly be seen as obsessive?** If so, this will be a strong indication that a request is vexatious. Relevant factors could include a

very high volume and frequency of correspondence, requests for information the requester has already seen, or a clear intention to use the request to reopen issues that have already been considered (particularly if there has been an independent investigation). The wider context and history of a request will be important here, as it is unlikely that a one-off request could be obsessive.

- **Is the request harassing the authority or causing distress to staff?** The request must be likely to harass a reasonable person. It is the request itself that is relevant rather than any potential embarrassment resulting from disclosure. Relevant issues here could include a very high volume and frequency of correspondence, the use of hostile, abusive or offensive language, an unreasonable fixation on an individual member of staff, or mingling requests with accusations and complaints.
- **Would complying with the request impose a significant burden in terms of expense and distraction?** You need to look at more than just the cost of compliance here. You should consider whether responding would divert or distract staff from their usual work. However, if resources are your only concern, you should instead consider section 12 (exemption where cost of compliance exceeds appropriate limit). For more information on using section 12, see our guidance on [Using the Fees Regulations](#) and [Redacting and extracting information](#).
- **Is the request designed to cause disruption or annoyance?** As this factor relates to the actual intention of the requester, it can be difficult to prove. Cases where this is a strong argument will be rare. However, if a requester states that the request is actually meant to cause maximum inconvenience, the request will almost certainly be vexatious.
- **Does the request lack any serious purpose or value?** The FOIA is not generally concerned with why requesters want information, so an apparent lack of value should not be enough on its own to make a valid request vexatious. However, if you can show a real lack of value this may add weight to arguments under the other headings above. On the other hand, if there is a serious purpose or value behind a request, this may be enough to prevent it being vexatious, even if it imposes a significant burden and is harassing or distressing your staff. If the request forms part of a wider campaign or pattern of requests, the purpose or value must justify both the request itself and the lengths to which the campaign or pattern of behaviour has been taken.

To judge a request vexatious you should be able to make relatively strong arguments under several of these headings. You do not need to be able to answer yes to every question.

The questions are likely to overlap. The weight you can place on each issue will depend on the circumstances, and there may also be other case-specific factors to consider.

Context and history

You should take account of the context and history of the request when considering the questions above. An individual request may not be vexatious in isolation, but in context it may form part of a wider pattern of vexatious behaviour (for example if there is a wider dispute, or it is the latest in a lengthy series of overlapping requests or other correspondence).

However, you should not automatically refuse a request simply because it is made in the context of a dispute or forms part of a series of requests. You must still ask whether the request is vexatious in that context by considering the questions listed above.

An important point is that it is the request, not the requester, that must be vexatious. You should not automatically refuse a request just because the individual has caused problems in the past. You must look at the request itself.

Example case

Example

In [Coggins v Information Commissioner EA/2007/0130 \(13 May 2008\)](#), the requester suspected that the council had fraudulently charged an elderly lady for care services not provided. A council investigation, a Committee for Social Care investigation and the police all found no evidence of dishonesty. But the requester persisted with the allegations and made 20 requests in 73 letters and 17 postcards over a two-year period. The Tribunal found the request vexatious because:

- The volume and haranguing tone of the correspondence indicated that the request was obsessive, and the requester was not justified in persisting with his campaign in the light of three independent enquiries.
- The requests had affected the health and wellbeing of certain officers having to deal with them.
- The volume, length and overlapping nature of the requests would be a distraction from the council's core functions and impose a significant burden.
- The genuine desire to uncover fraud was a serious and proper purpose, but it did not justify persisting with the campaign to these lengths.

Other considerations

If a requester keeps asking for information already provided to them or refused, you may find it easier to refuse the request as “repeated”. For more information, see our detailed guidance on [Vexatious and repeated requests](#).

Some types of requests should not be considered as vexatious. Examples include:

- Requests for information that should be published under your publication scheme – you will need to provide this information, or direct the requester to where it is available (eg your website).
- Subject access requests – requests for the individual’s own personal data must be dealt with under the Data Protection Act 1998 and cannot be vexatious. See our [Checklist for handling requests for personal information \(subject access requests\)](#).
- Requests for environmental information – you must consider these under the Environmental Information Regulations 2004. You cannot refuse requests as vexatious, but you can refuse a request that is “manifestly unreasonable”, subject to a public interest test. See [An introduction to the EIR exceptions](#).

More information

See our detailed guidance on [Vexatious and repeated requests](#).

This guidance will be reviewed and considered from time to time in line with new decisions of the Information Commissioner, Tribunal and courts on freedom of information cases. It is a guide to our general recommended approach to this area, although individual cases will always be decided on the basis of their particular circumstances.

If you need any more information about this or any other aspect of freedom of information, please contact us.

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