



Information Commissioner's Office
Promoting public access to official information
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Press Release

For immediate release

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Cheshire Constabulary right to refuse vexatious request under FOI

The Information Commissioner's Office (ICO) has upheld a decision by the Chief Constable of Cheshire Constabulary refusing to disclose information on the grounds that the request was vexatious. The ICO believes that complying with the request for information would impose a significant burden on Cheshire Constabulary and that the intention behind the request would have the effect of harassing the force.

The case concerns a request for seven pieces of information including policies on recording conversations, information relating to the Constabulary's coat of arms and logo, and details of its internet domain and service provider.

In order to reach his decision, the Assistant Information Commissioner, Steve Wood, gave careful consideration to the history of the relationship between the complainant and Cheshire Constabulary. The complaint arose due to the Constabulary refusing to release official police information under a memorandum of understanding between police forces and insurance providers. The complainant made two appeals to the Independent Police Complaints Commission (IPCC) which upheld the Constabulary's decision each time. Following this, the complainant made numerous complaints against officers at Cheshire Constabulary, including two Superintendents and a Detective Inspector.

Having taken into account the relationship between the complainant and the public authority, the Assistant Information Commissioner addressed the complaint specifically. In deciding if the request could be seen as vexatious, he looked at

whether it imposed a significant burden and if it was designed to cause disruption and harassment to the public authority.

The Assistant Information Commissioner ruled the request contributed to a significant burden on the Constabulary because officers and staff, who were the subject of numerous complaints, had to be withdrawn from further contact with the complainant during the course of each investigation. This resulted in the small team of people involved with information requests becoming even smaller.

The Assistant Information Commissioner recognised that a great deal of police time was spent dealing with the complainant's numerous requests. He noted the Constabulary estimated 463 hours of police time had been spent on activities related to the complainant, including numerous freedom of information requests, and has ruled that Cheshire Constabulary was right not to disclose the information as it was a vexatious request.

For a copy of the decision notice go to

http://www.ico.gov.uk/upload/documents/decisionnotices/2008/fs_50157445.pdf

ENDS

If you need more information, please contact the ICO press office on 020 7025 7580.

Notes to Editors

1. The ICO promotes public access to official information and protects personal information. The ICO is an independent body with specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003.
2. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk