



**Information Commissioner's Office**  
Promoting public access to official information  
and protecting your personal information

## **Press Release**

**For immediate release**

**5 December 2008**

### **Vexatious requests can be blocked says ICO**

The Information Commissioner's Office (ICO) has updated [guidance](#) this week to help public authorities who want to block vexatious requests made under the Freedom of Information Act. Vexatious requests are those which are likely to cause the public authority unjustified distress or disruption, or those made with the intent to cause a nuisance. Public authorities are not required to respond to requests made under the Act that are deemed vexatious.

The ICO will uphold authorities' decisions to refuse requests where there is clear evidence that they are vexatious. Furthermore, the Information Tribunal has backed the ICO's rulings to uphold public authorities' decisions in all ten appeal cases where a request has been turned down because it was deemed vexatious.

The Deputy Information Commissioner, Graham Smith, said:

"The Freedom of Information Act is bringing great benefits to public life, ensuring that more official information is coming into the public domain and helping to break down the culture of secrecy. Our common sense guidance will help authorities deal with vexatious requests more effectively. It is important that all public authorities are aware and make use of the provisions on vexatious requests.

"I also remind authorities and people using the Act that requests should not place an unnecessary burden or distraction on authorities. Those using the Act must do so responsibly; it should not be used to make nuisance requests."

A number of questions are included in the guidance to help freedom of information practitioners decide if a request is vexatious:

- Can the request be seen as obsessive?
- Is the request tantamount to harassing the authority or causing distress to staff?
- Would complying with the request impose a significant burden?
- Is the request designed to cause disruption or annoyance?
- Does the request lack any serious purpose or value?

The guidance notes that if a request is vexatious, the public authority should issue a formal refusal notice. The guidance highlights that when considering if a request is vexatious, public authorities need to take into account the context and history, as a request that would not be vexatious in isolation may form part of a wider pattern of vexatious behaviour.

A number of points made by the Information Tribunal, following a ruling on a vexatious request earlier this year, have also been included in the new guidance to assist freedom of information practitioners when dealing with requests.

The ICO has also updated guidance this week on *A brief introduction to the exceptions under the Environmental Information Regulations (EIR)*.

The ICO's guidance can be downloaded from the ICO's website – [www.ico.gov.uk](http://www.ico.gov.uk) – or contact the ICO on 08456 306 060 to order a copy.

## **ENDS**

If you need more information, please contact the ICO press office on 020 7025 7580 or visit the website at: [www.ico.gov.uk](http://www.ico.gov.uk)

### **Notes to Editors**

1. The Information Commissioner's Office 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](http://www.ico.gov.uk)
3. The ICO charter for responsible freedom of information requests provides advice to individuals and organisations to help users make effective use of the Act:  
[http://www.ico.gov.uk/upload/documents/library/freedom\\_of\\_information/practical\\_application/its\\_public\\_information\\_foi%20charter\\_final.pdf](http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_application/its_public_information_foi%20charter_final.pdf)
4. The ICO is currently producing a range of new guidance documents on the practical application of the Freedom of Information Act. Existing guidance is also being updated. These can be found on the ICO website at -  
[http://www.ico.gov.uk/what\\_we\\_cover/freedom\\_of\\_information/guidance.aspx](http://www.ico.gov.uk/what_we_cover/freedom_of_information/guidance.aspx)