

GNOSALL PARISH COUNCIL
(Including the Wards of Moreton and Knightley)

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PERSISTENT OR VEXATIOUS REQUESTS POLICY

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Next Review:	October 2028 (or as appropriate)

This policy is based upon Section 14(1) of the freedom of Information Act 2000 and includes guidance from the Information Commissioner's Office (ICO)

It will be reviewed at least according to the schedule above but more frequently should advice change.

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1 Introduction and Purpose of this policy

- 1.1 Gnosall Parish Council is committed to fulfilling its statutory obligations under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) in an open and transparent manner. It recognises that parishioners have the right to access information held by the Council.
- 1.2 GPC also has a duty to fulfil its obligations by using public funds and resources to conduct the legitimate business of Council in a timely, effective and efficient manner. Disproportionate or vexatious requests or contact put at risk the core business of the Council by placing an unreasonable demand upon its Officers.
- 1.3 GPC has a duty to protect its staff, especially the Chief Officer, from both unreasonable workloads that disrupt their core business and from abusive or vexatious workloads which may threaten their mental or physical health. In councils with a small number of staff, such as GPC, the effect of such workload will be particularly significant.
- 1.4 This policy sets out how GPC will identify, assess and handle requests or contact which meet the criteria of "vexatious" under Section 14(1) of the FOIA in order to ensure a consistent, fair and proportionate response.

2 Legal Framework

- 2.1 Section 14(1) of the FOIA, states *"Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious."* Section 14(1) is designed to protect public authorities by allowing (them) *"to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress."*
- 2.2 EIR 12(4)(b) states that *"a public authority may refuse to disclose information to the extent that -the request is manifestly unreasonable."* It stated that the key question which should be asked by the public authority is *"whether the request is likely to cause a disproportionate cost or burden, or an unjustified level of distress, disruption or irritation."*
- 2.3 The Court of Appeal concluded in 2015 that *"manifestly unreasonable"* and *"vexatious"* are essentially the same and that FOIA Section 14(1) and EIR Section 12(4)(b) have the same meaning to all intents and purposes.
- 2.4 Where a request falls under the EIR, the Council will explicitly apply the public interest test as required by Regulation 12(1)(b), weighing the public interest in maintaining the exception against the public interest in disclosing the information.
- 2.5 Under ICO guidelines, it should be noted that the term *"vexatious"* is applied to the request itself and its impact upon the authority, not to the individual making the request.

- 2.6 From October 2026, under the Employment Rights Act (ERA) 2025, employers are liable where an employee is harassed by a third party in the course of their employment and the employer failed to take "all reasonable steps" to prevent it.

3 Definitions

- 3.1 Third parties are people employees interact with during the course of their work who are not direct colleagues. This can include:
- Members of the public
 - Visitors and event attendees
 - Customers and clients
 - Contractors and suppliers
 - Patients and service users
- 3.2 A vexatious request is one which can be defined, according to the ICO, as the *"manifestly unjustified, inappropriate or improper use of a formal procedure."*
- 3.3 A persistent communication may be defined as *"repeated, frequent or excessive communication that continues after a response has been provided, a final decision has been made or a request to stop has been issued."*

4 Indicators of a vexatious request or persistent communication

- 4.1 The Upper Tribunal (Administrative Appeals Chamber) is a superior court of record in the UK that hears appeals on points of law from decisions made by the First Tier Tribunal (Information Rights) relating to the ICO. It followed the approach of considering 4 broad themes in considering a FOIA request, which were not contested in the Court of Appeal. These are:
- The burden (on the public authority and its staff)
 - The motive (of the requester)
 - The value or serious purpose (of the request) and
 - Any harassment or distress (of and to staff)
- 4.2 When assessing the burden of the request, account must be taken of the level of resources the receiving organisation has at its disposal. A small public authority such as a parish council only has very limited resources because a parish clerk/Chief Officer may only be the only person employed to handle the statutory duties of the council. Therefore, the threshold at which the burden becomes grossly oppressive is lower than for a larger public authority. If complying would impose a completely unreasonable amount of staff time, disrupting everyday council function, it may be considered a disproportionate burden.
- 4.3 The Upper Tribunal also emphasised that *"all the circumstances need to be considered in reaching what is ultimately a value judgement as to whether the request in issue is vexatious in the sense of being a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA."* The themes provide a useful structure but other themes may

be identified which are relevant to the specific circumstances and these too must be considered.

4.4 Even if the request is agreed to have a value or serious purpose, this does not rule out the possibility of its being vexatious. An Upper Tribunal finding in September 2016 (UKUT 0427 (ACC)) explained: *"It is clear from the Court of Appeal's decision (in Dransfield) that the public interest in the information which is the subject of the request cannot act as a trump card so as to tip the balance against a finding of vexatiousness."*

4.5 Key Indicators established by the ICO to determine whether a request is vexatious include, but are not limited to:

- Number

"The greater the number of requests received, the more likely it is that the latest request is vexatious." The collective burden of previous requests or communications, together with further requests or communications, may mean a tipping point has been reached which renders the latest request vexatious.

However, it would not be appropriate simply to count the requests. Account must be taken of whether earlier requests have been responded to and how satisfactorily. For example, a confusing or conflicting response may well generate a further request.

The ICO will expect an explanation of how requests were handled to justify the application of Section 14(1).

- Pattern of requests

When numerous requests are made in quick succession, the public authority is likely to become overwhelmed. This may include where similar requests are made before opportunity has been given to respond to the previous request.

The Upper Tribunal said: *"A requester who consistently submits multiple FOIA requests or associated correspondence within days of each other, or relentlessly bombards the public authority with email traffic, is more likely to have made a vexatious request."*

- Duration

The ICO advises that the duration over which previous requests have been made is significant. Where they have been made over a long period, even years, the arrival of a new request may appear reasonable in isolation but the public authority may take into account the anticipated burden of possible future requests when assessing burden.

- Breadth

There can occasionally be situations where a single request, taken in isolation, imposes a *"grossly oppressive burden"* by virtue of the breadth of information sought that is vexatious when weighed against its value or purpose. In such cases the ICO advises the application of Section 12 rather than Section 14.

- Motive

In general, the motive of the requester has no bearing on how their request is handled. But when considering a request under Section 14(1) it is relevant.

The use of offensive or abusive language, threats, personal abuse or ungrounded accusations would all demonstrate a desire to attack the public authority rather than a genuine attempt to obtain information. It may be possible to determine the motive by referring to previous interactions with them.

When a request is considered in the context of a series of requests, it may be seen that the requester has *"strayed from the purpose of their original request."* This is termed *"vexatiousness by drift."*

However, the ICO advises that:

"it is important to recognise that there can be legitimate reasons why the information targeted by a requester may change. For example, the responses to earlier requests may alert them to information which they were previously unaware about. Alternatively, they may be pursuing a particular line of enquiry and using the response to one request to establish the facts on which they base a subsequent request. This pattern of request making can often be adopted by journalists pursuing various leads in order to build up a complete picture of a particular event."

o Harassment or distress to your staff

It is possible that the intention of a request(s) is to cause offence, vent anger, attack the public authority or further a personal grudge all of which may have the effect of overwhelming the public authority and paralysing it.

A requester may seek information which they already possess. This may *"indicate that their intention is simply to cause annoyance as a means of venting their anger at a particular decision."* Other indications that the request is vexatious may include:

- Taking an unreasonably entrenched position
- Rejecting advice and attempts to assist out of hand and
- Showing no willingness to engage with you

Such behaviour undermines the argument that the request is a genuine attempt to access information.

A series of requests which demonstrate obsessive behaviour can also harass staff by the collective burden they impose upon staff.

5 Procedure for assessment of the request

5.1 The decision to deem a request vexatious will not be taken lightly.

5.2 A single individual in isolation will not take the decision.

- 5.3 The Chief Officer will, on identifying a potentially vexatious request, document the context and evidence, history of interaction and quantify the impact/potential impact upon parish resources.
- 5.4 The Chief Officer will make the Chair aware of the situation in the first instance and if it continues will take it to a meeting of the Resources & Personnel Committee, which will consider the information and formally evaluate it. If it is deemed vexatious, the appropriate procedure will be implemented.
- 5.5 Where communication is deemed persistently vexatious outside of statutory FOI requests, the Committee may authorise proportionate measures. These include, but are not limited to:
- restricting contact to a single designated email address,
 - setting a specific schedule for reading/responding to correspondence (e.g., once per fortnight), or
 - requiring all communication to be submitted via hard copy post to The Grosvenor Centre,
 - declining to respond to any further correspondence.

6 Procedure for issuing a Refusal Notice and Rights of Appeal

- 6.1 If a request is deemed vexatious, a formal Refusal Notice must be sent to the requester within 20 working days of receipt of the request.
- 6.2 Under Section 17(6) of the FOIA, if the council has previously issued a refusal notice to the individual for a similar request, it is not required to issue a new notice for subsequent vexatious requests.
- 6.3 For non-statutory, persistent administrative correspondence that has been deemed vexatious by the Committee, the Council reserves the right to acknowledge receipt only or place the correspondence on file without a reply.
- 6.4 Every refusal notice issued by the council will clearly outline the right of the requester to appeal the decision through the council's Internal review procedure and subsequently to the Information Commissioner's Office. They may also decline to await the decision of the Internal Review panel and opt to go straight to the ICO.
- 6.5 Requests for an Internal Review must be submitted within 40 working days of the Refusal Notice. The Council will endeavour to issue its Internal Review outcome within 20 working days.

APPENDICES

A Implementation & Warning Letter Template

To be sent by the Council Chair prior to executing formal restrictions on general correspondence.

Our Ref: GPC/

Date: [Insert Date]

PRIVATE & CONFIDENTIAL

[Insert Requester Name]

[Insert Requester Address]

RE: Notice of Imbalance of Correspondence and Resource Impact

Dear [Insert Requester Name],

I am writing to you in my capacity as Chair of Gnosall Parish Council regarding the volume, frequency, and nature of your recent communications with the Council's staff, specifically directed toward our Chief Officer.

While the Council remains entirely committed to open, accountable local governance and respects the rights of parishioners to request information, we have a statutory duty to safeguard the public funds, time, and administrative resources allocated to running the parish. Furthermore, under the Employment Rights Act 2025, the Council is legally obligated to protect its employees from workloads and correspondence patterns that place an unreasonable or distressing burden on their health and professional duties.

Between [Start Date] and [End Date], the Council has logged [Insert Number] separate communications from you regarding [State the Topic, e.g., Grosvenor Centre bookings/allotments]. Fulfilling these requests and reviewing this volume of correspondence has consumed approximately [Insert Hours] of staff time, directly impacting the delivery of core parish functions.

The Council recently adopted its formal Persistent or Vexatious Complaints Policy. I must advise you that your ongoing correspondence pattern currently meets the criteria detailed in Section 3 of this policy regarding disproportionate administrative burden and persistent communication.

This letter serves as a formal request for you to modify your approach to communicating with the Council. If the current pattern of frequent, overlapping, or non-purposeful correspondence continues, the matter will be formally referred to the Personnel and Health & Safety Committee. The Committee will consider implementing proportionate contact restrictions under Section 5 of the policy, which may include restricting your contact to a single designated channel or establishing a specific reading schedule.

We hope to resolve this matter productively. If you wish to streamline your core inquiries into a singular, structured document, our Chief Officer will be glad to process it in line with our standard service levels.

Yours sincerely,

[Insert Chair Name]

Chair of Gnosall Parish Council

B Section 14(1) FOIA Formal Refusal Notice

This document must be issued within 20 working days if the Personnel and Health & Safety Committee formally votes to refuse a specific information request under statutory provisions.

Our Ref: FOI/Refusal/[Insert Number]

Date: [Insert Date]

[Insert Requester Name]

[Insert Requester Address]

Sent via: [Email / Post]

RE: Freedom of Information Request Refusal Notice - Section 14(1)

Dear [Insert Requester Name],

Gnosall Parish Council acknowledges receipt of your request for information under the Freedom of Information Act 2000 (FOIA) received on [Insert Date of Request], in which you requested:

"[Insert exact text or clear summary of the specific request being refused]"

The Council has fully considered your request under the provisions of the Freedom of Information Act 2000. I am writing to inform you that the Council is refusing to comply with your request because it considers it to be vexatious under Section 14(1) of the Act.

Section 14(1) states that a public authority is not obliged to comply with a request for information if the request itself is vexatious. In applying this section, the Council has adhered to the guidelines established by the Information Commissioner's Office (ICO) and relevant Upper Tribunal case law (*Dransfield v Information Commissioner*), focusing entirely on the cumulative impact, burden, and value of the request.

The reasons for the Council's determination under Section 14(1) include:

- **Disproportionate Burden:** Complying with this request would require the Council to expend significant staff time extracting and reviewing historical files. Given that the Council operates with a single Chief Officer, this creates a severe, disruptive strain on our daily operating capacity.
- **Obsessive/Frequent History:** This request cannot be viewed in isolation. It forms part of a continuous pattern of [Insert Number] requests over the last [Insert Number] months regarding [State Topic].
- **[Optional - Vexatiousness by Drift / Lack of Purpose]:** The information targeted has shifted progressively, indicating that the process is being used to prolong a closed grievance rather than access new, distinct public information.

(If the request relates to Environmental Information Regulations, insert this paragraph:)

As the request involves environmental matters, the Council has also assessed it under Regulation 12(4)(b) of the Environmental Information Regulations 2004 (EIR) as being manifestly unreasonable. The Council has conducted the mandatory Public Interest Test required under Regulation 12(1)(b) and has determined that the public interest in maintaining the exception and protecting public resources outweighs the public interest in disclosing this information.

Your Rights of Appeal

If you are dissatisfied with this decision, you have the right to request an internal administrative review. Requests for an Internal Review must be submitted in writing within 40 working days of the date of this notice to:

The Chair of the Resources & Personnel Committee
Gnosall Parish Council
The Grosvenor Centre, High Street,
Gnosall, Stafford, ST20 0EX

The Council will endeavour to issue its Internal Review outcome within 20 working days of receipt.

If you remain dissatisfied following our Internal Review, or if you choose to bypass the internal process, you have a statutory right to appeal directly to the Information Commissioner for an independent ruling at:

Information Commissioner's Office
Wycliffe House, Water Lane,
Wilmslow, Cheshire, SK9 5AF
Website: www.ico.org.uk

Yours sincerely,

Name

Chief Officer, Gnosall Parish Council

C Regulation 12(4)(b) EIR Formal Refusal Notice

This document must be issued within 20 working days if the Resources & Personnel Committee formally votes to refuse a specific environmental information request under statutory provisions.

Our Ref: EIR/Refusal/[Insert Number]

Date: [Insert Date]

[Insert Requester Name]

[Insert Requester Address]

Sent via: [Email / Post]

RE: Environmental Information Regulations Request Refusal Notice - Regulation 12(4)(b)

Dear [Insert Requester Name],

Gnosall Parish Council acknowledges receipt of your request for information received on [Insert Date of Request], in which you requested:

"[Insert exact text or clear summary of the specific request being refused]"

The Council has fully considered your request under the provisions of the Environmental Information Regulations 2004 (EIR). I am writing to inform you that the Council is refusing to comply with your request because it considers it to be **manifestly unreasonable under Regulation 12(4)(b)** of the Regulations.

Regulation 12(4)(b) states that a public authority may refuse to disclose information to the extent that the request for information is manifestly unreasonable. In applying this regulation, the Council has adhered to the guidelines established by the [Information Commissioner's Office \(ICO\)](#) and relevant Upper Tribunal case law, focusing on the cumulative impact, disproportionate burden, and value of the request.

The reasons for the Council's determination under Regulation 12(4)(b) include:

- **Disproportionate Burden:** Complying with this request would require the Council to expend significant staff time extracting, reviewing, and redacting historical files. Given that the Council operates with a single Chief Officer, satisfying this request creates a severe, disruptive strain on our daily operating capacity and diverts limited public resources away from core statutory duties.
- **Obsessive/Frequent History:** This request cannot be viewed in isolation. It forms part of a continuous, overlapping pattern of [Insert Number] requests over the last [Insert Number] months regarding [State Topic]. The frequency and volume of these submissions place an unsustainable administrative weight on a small authority.
- **[Optional - Lack of Value or Purpose]:** The information targeted has shifted progressively across multiple correspondences, indicating that the process is being used to prolong a historic, resolved grievance rather than to access new, distinct environmental information of wider public utility.

The Public Interest Test

In accordance with Regulation 12(1)(b), the Council has conducted a mandatory Public Interest Test to balance the factors for and against disclosure. We recognize that the EIR carries an explicit presumption in favour of transparency, particularly regarding environmental matters.

However, we have determined that:

1. Factors in favour of disclosure: The inherent public value of accountability, openness, and local environmental transparency.
2. Factors in favour of maintaining the exception: The overriding need to protect finite public resources and ensure the Council's sole officer is not obstructed from delivering essential civic and community services to the wider parish.

On balance, the Council has concluded that the public interest in maintaining the exception and protecting public resources outweighs the public interest in disclosing this information at this time.

Your Rights of Appeal

If you are dissatisfied with this decision, you have the right to request an internal administrative review. Requests for an Internal Review must be submitted in writing within 40 working days of the date of this notice to:

The Chair of the Resources & Personnel Committee
Gnosall Parish Council
The Grosvenor Centre, High Street,
Gnosall, Stafford, ST20 0EX

The Council will endeavour to issue its Internal Review outcome within 40 working days of receipt (as permitted under Regulation 11 of the EIR).

If you remain dissatisfied following our Internal Review, you have a statutory right to appeal directly to the Information Commissioner for an independent ruling at:

Information Commissioner's Office
Wycliffe House, Water Lane,
Wilmslow, Cheshire, SK9 5AF
Website: www.ico.org.uk

Yours sincerely,

Name

Chief Officer, Gnosall Parish Council