

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 March 2012

Public Authority: Chief Constable of Avon and Somerset
Constabulary

Address: PO Box 37
Valley Road
Portishead
Bristol
Avon
BS20 8QJ

Decision (including any steps)

1. The complainant has requested information which relates to a series of complaints which he made about the public authority. The Information Commissioner has previously concluded that his latest requests are 'vexatious'. The public authority did not respond to this request. It later confirmed to the Information Commissioner that this was on the basis that the request was a further 'vexatious' one and that it did not therefore need to provide a response. The Information Commissioner's decision is that the public authority was correct. He does not require the public authority to take any steps.

Background

2. The complainant was arrested by officers of the public authority in November 2009. During his arrest a taser was used. The complainant has made many complaints and information requests in connection with this arrest, both under the FOIA and the Data Protection Act 1998 (the "DPA"). Some of his complaints have been considered by the public authority's own Professional Standards Department (the "PSD") and the Independent Police Complaints Commission (the "IPCC").
3. The Information Commissioner has recently issued two related decision notices which can be found on his website - the reference numbers are

FS50408546 and FS50420658. Both requests were found to be vexatious.

Request and response

4. On 15 August 2011, the complainant wrote to the public authority and requested information in the following terms:

"I am asking questions concerning sergeants, constables and civilian staff who are employed in custody suites:

- 1. Officers who are employed in custody suites have they been trained to understand and interpret the Home Office Circular 020/2003. "Healthcare Professionals in Custody suites – Guidance to Supplement Revisions to the Code of Practice Under the Police and Criminal Evidence Act 1984"?*
- 2. The above Act and Home Office Circular 020/2003 give the definitions of healthcare professionals who are employed in custody suites and the procedures or duties they are allowed to undertake in this environment. Have all sergeants, constables and civilian staff who are employed in custody suites been trained to interpret and understand this Home Office Circular 020/2003 the definitions of healthcare professionals and the procedures or duties they are allowed to undertake in this environment?*
- 3. Have all officers who are employed in custody suites been trained to understand and implement Force Procedural Guidance, Taser Conducted Energy Device, 6 Subject Care?*
- 4. Force Procedural Guidance, Taser Conducted Energy Device, 6 Subject Care states that all persons subjected to tasering must be examined by a force medical examiner or police forensic physician who come under the Police and Criminal Evidence Act 1984 which outlines their duties or procedures in the Home Office Circular 020/2003. "Healthcare Professionals in Custody suites – Guidance to Supplement Revisions to the Code of Practice Under the Police and Criminal Evidence Act 1984", defines "health care professionals means a clinically qualified person working within the scope of practices determined by their relevant professional body". Have all officers who are employed at custody suites been trained to understand and implement Home office Circular 020/2003 and its relevance to the Police and Criminal Evidence Act that a force medical examiner or police forensic physician would be a qualified doctor as their regulatory body is the General Medical Council?"*

5. Having received no response the complainant wrote again on 13 October 2011.

Scope of the case

6. On 14 November 2011 the complainant contacted the Information Commissioner to complain about the lack of response.

Reasons for decision

7. The Information Commissioner wrote to the public authority to establish whether it had received the request and, if so, its grounds for non-response. It confirmed to him that it was deemed vexatious as it related to his arrest in 2009 and confirmed that the complainant had previously been advised that any such related requests would no longer be responded to.
8. Section 17(6) says that a public authority will not need to issue a new refusal notice if it has already given the same person a refusal notice for a previous vexatious or repeated request.
9. The Information Commissioner has already accepted that previous requests from this complainant were vexatious, as indicated above. He also considers that this further request relates to the same subject matter and that it is also vexatious.
10. Therefore, for the same reasons as given in his earlier notices, the Information Commissioner finds that this request is also vexatious.
11. As stipulated in section 17(6), the public authority is not obliged to respond to the requester when it receives requests for information which are connected to the same subject matter. It is not therefore required to provide a response on this occasion.
12. However, as stipulated in his guidance on section 14, a public authority should still record the request and its reasons for not providing a response. On this occasion, the public authority's response to the Information Commissioner indicates that it has done so.

Right of appeal

13. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0116 249 4253
Email: informationtribunal@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

14. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
15. Any notice of appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Jon Manners
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Wilmslow
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SK9 5AF