

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 26 November 2021

**Public Authority:** Green Templeton College  
**Address:** University of Oxford  
43 Woodstock Road  
Oxford  
OX2 6HG

### Decision (including any steps ordered)

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1. The complainant has requested information relating to the admissions process for medicine at Green Templeton College ('the College').
2. The College refused to comply with the request, citing section 14(1) (vexatious requests) of the FOIA.
3. The Commissioner's decision is that the request was vexatious and therefore the College was entitled to rely upon section 14(1) to refuse it.
4. However, in failing to provide its refusal notice to the complainant within twenty calendar days of receiving the request, the College breached section 17(5) (Refusal of request) of the FOIA.
5. The Commissioner does not require the College to take any further steps.

### Request and response

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6. On 13 September 2020, the complainant wrote to the College and requested information in the following terms:

*"I request Green Templeton College provide the following information:*

*(1) On what date did the Governing Body of GTC determine that NHS employees employed by Oxford Health NHS Foundation Trust could be admitted to GTC as 'Associate Members' (non-student members)?*

*(2) Please state what is the annual fee that would be charge by GTC in respect of NHS employees (employed by Oxford Health NHS Foundation*

*Trust) being admitted to GTC as 'Associate Members'?*

*(3) Please provide a copy of the terms/conditions on which NHS employees employed by Oxford Health NHS Foundation Trust can be admitted to GTC as 'Associate Members'.*

*(4) Please state on what date did the Governing Body of GTC determine that 'Associate Members' (non-students) of GTC (NHS employees employed by Oxford Health NHS Foundation Trust) could (if admitted to GTC) go on to attend graduation ceremonies and be awarded degrees without ever having been registered as students in statu pupillari of GTC or the University of Oxford and without having been presented by GTC for Matriculation at the University of Oxford?"*

7. The complainant did not receive a response to their request within twenty working days and therefore chased this matter with the College.
8. The College responded on 26 May 2021 and apologised for this oversight. The College informed the complainant that it was refusing to comply with the request, citing section 14(1).
9. Following an internal review the College wrote to the complainant on 23 June 2021. It upheld its original position.

### **Scope of the case**

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10. The complainant contacted the Commissioner on 17 May 2021 to complain about the way that their request had been handled. Specifically, that they were yet to receive a substantive response to the request. The complainant also made several allegations against the College and specific members of staff. The Commissioner does not consider it necessary to reproduce these allegations in this notice.
11. The Commissioner considers the scope of her investigation to be to determine whether the College was entitled to rely upon section 14(1) in order to refuse to comply with the request.

### **Reasons for decision**

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#### **Section 14 – vexatious requests**

12. Section 1(1) of the FOIA states that:

*"Any person making a request for information to a public authority is entitled –*

- (a) *to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) *if that is the case, to have that information communicated to him."*

13. Section 14 of the FOIA states that:

*"Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious."*

14. The term 'vexatious' is not defined within the FOIA. The Upper Tribunal considered the issue of vexatious requests in *Information Commissioner v Devon CC & Dransfield* [2012] UKUT 440 (AAC). It commented that 'vexatious' could be defined as the '*manifestly unjustified, inappropriate or improper use of a formal procedure*'. The Upper Tribunal's approach in this case was subsequently upheld in the Court of Appeal.
15. The Dransfield case considered four broad issues: the burden imposed by the request (on the public authority and its staff), the motive of the requester, the value or serious purpose of the request and harassment or distress of and to staff. A public authority may take these factors into account when considering if a request is excessive.
16. The Dransfield definition confirms that it is important to consider proportionality and justification of any request before deciding it is vexatious.
17. The Commissioner has published guidance on the factors that may typify a vexatious request<sup>1</sup>. However, it is important to note that even if a request contains one or more of these indicators it will not necessarily mean that it must be vexatious and the request must be considered alongside the value and purpose that the request may hold.
18. When considering the question of vexatiousness, a public authority can consider the context of the request and the history of its relationship with the requestor, as the guidance explains: '*The context and history in which a request is made will often be a major factor in determining whether the request is vexatious, and the public authority will need to consider the wider circumstances surrounding the request.*'
19. In some cases it will be obvious when a request is vexatious but in others it may not. The Commissioner's guidance states: '*In cases where the issue is not clear-cut, the key question to ask is whether the request*

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<sup>1</sup> [dealing-with-vexatious-requests.pdf \(ico.org.uk\)](https://ico.org.uk/for-organisations/our-work/our-guidance/dealing-with-vexatious-requests.pdf)

*is likely to cause a disproportionate or unjustified level of disruption, irritation or distress.'*

20. It is important to remember that section 14(1) can only be applied to the request itself, and not the individual who submits the request.

### **The complainant's position**

21. It does not fall upon the complainant to explain why their request is not vexatious; rather the burden falls upon the public authority to explain why the request is vexatious. However, in line with her processes, the Commissioner provided the complainant with multiple opportunities to put their argument across.
22. At the time of raising their concern with the Commissioner, the complainant outlined their concerns about the conduct of the College. The complainant's concerns all share the same theme; that the College and other higher education providers have fraudulently created and published information relating to a clinical doctorate course. The complainant is concerned that no such course exists.
23. The complainant submitted lengthy arguments, many of which do not fall within the Commissioner's remit to consider, that the Commissioner does not consider necessary to reproduce in this notice. Rather than submitting arguments as to why the request was not vexatious, the complainant's arguments focused on the fraudulent behaviour of the College.
24. The complainant accused the College of mistreating them. For background information, the College has explained that the complainant applied to read medicine at Somerville College, the University of Oxford, but was not offered a place. The complainant disputes this. The Commissioner understands that whilst colleges within the University of Oxford sit within the University's federal structure, they are separate legal entities.

### **The College's position**

25. To reiterate, it does not fall upon the complainant to explain why the request is not vexatious; rather the burden falls upon the public authority to explain why the request is vexatious.
26. The College has provided the Commissioner with a summary of the correspondence that it has received from the complainant in the run up to the request. Between May 2020 and 13 September 2020 the complainant submitted 30 pieces of correspondence to various recipients. The College has confirmed to the Commissioner that this is a minimal figure since the complainant often writes to different members

of staff within the College and *'the volume of correspondence can peak on particular days.'*

27. Such a large volume of correspondence does not automatically mean a request is vexatious. However, the Commissioner notes the substance of this correspondence includes requests made under the FOIA and the Data Protection Act 2018, complaints, and correspondence regarding intended and ongoing litigation. Furthermore, the central theme of most of this correspondence appears to be the aforementioned clinical doctorate course.
28. The College has explained that *'In order to respond to these requests, the College spent significantly in excess of 18 hours.'* The Commissioner is mindful that the College is not applying section 12 (cost of compliance exceeds the appropriate limit) which states that a public authority, such as the College, is not required to comply with a request if doing so would take longer than 18 hours. For a request to be vexatious in line with section 14(1), compliance must pose a disproportionate and unjustified level of disruption, irritation or distress. This is an unquantifiable criteria, unlike section 12.
29. However, the Commissioner does accept that vexatiousness often largely comes down to the context in which the request was made and she considers the fact that the College has already placed significant resources into addressing the complainant's concerns as relevant in this instance.
30. Furthermore, the College considers that it is unlikely to hold the information that the complainant is requesting in this instance. However, to confirm as such the College would be required *'to consult significant paper and electronic files, which would add considerably to the already overwhelming burden posed.'*
31. The College believes that the request is demonstrative of the complainant's intransigence and unreasonable persistence. The Commissioner's guidance states *'The requester's past pattern of behaviour may also be a relevant consideration. For instance, if the authority's experience of dealing with his previous requests suggests that he won't be satisfied with any response and will submit numerous follow up enquiries no matter what information is supplied, then this evidence could strengthen any argument that responding to the current request will impose a disproportionate burden on the authority.'*
32. The key to determining whether a request would cause a disproportionate or unjustified level of disruption, irritation or distress is to consider the request alongside any wider value that it may hold or public interest in disclosing the requested information. The College has explained that *'The fact that the College considers it is unlikely that it*

*holds this information is important because it illustrates that there is little to no public interest in the matters that the complainant is asking about.'* The College believes that this, and the complainant's previous requests, *'are only of interest to him in the context of his longstanding complaint about entry to read medicine.'*

33. The College has explained to the Commissioner that many of the complainant's requests of 2020 appeared to be motivated by a desire to *'uncover the names of members of staff, applicants to the medical courses at the College or further information about staff training records.'* The College believes that the nature of the complainant's correspondence is *'to make targeted and unfounded allegations against members of College staff and the College.'*
34. The Commissioner has been provided with a sample of these allegations which the Commissioner notes are markedly similar to those made to the Commissioner herself.
35. Returning to the distress and disruption that compliance with the request would cause, the College has explained that *'the persistent allegations that have been raised in respect of the College and the individuals tasked with responding to the complainant's requests have caused a significant and unreasonable burden on those individuals. This burden manifests not simply in respect of time taken but also because of the stress and worry of being accused of fraud and other negligence without foundation. Dealing with a series of requests in quick succession causes these members of staff a disproportionate and wholly unjustified level of disruption and distress.'*
36. The College has explained that the complainant's allegations have most recently extended to the College's legal representation who are dealing with ongoing litigation raised by the complainant. Again, the Commissioner has been provided with a sample of these allegations.
37. Finally, the College has drawn the Commissioner's attention to the general civil restraint order (GCRO) that has been granted against the complainant. The GCRO restrains the complainant *'for a period of two years from the date of this order from issuing any claim or making any application in any court in England and Wales, without first obtaining the permission of [Redacted] or, if unavailable, another judge of the Queen's Bench Division of the High Court.'* The College, alongside 38 other organisations, are the claimants listed within this GRCO.

### **The Commissioner's view**

38. The Commissioner must decide whether compliance with the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress. In making this decision, the Commissioner may take into account the context and the history of the College's



relationship with the complainant, as well as any wider purpose or value that the request may hold.

39. Since section 14 absolves a public authority of its duty to respond to a request altogether, the bar for engaging such an exemption is high.
40. The College has explained that the motive behind the complainant's requests can be traced back to 2003 when the complainant was unsuccessful in their application to read medicine at Somerville College of the University of Oxford. The College has explained that the complainant has challenged this decision and has been unsuccessful. The College notes that, despite pursuing a complaint against the College, the complainant has never applied to read medicine at the College.
41. Whilst there is a general public interest in transparency and accountability surrounding public authorities, the Commissioner concurs that there is no wider public interest, value or purpose contained within the complainant's request.
42. The Commissioner believes that the request is indicative of the complainant's personal campaign which appears to have derived from circumstances, or concerns, that are entirely specific to them. The Commissioner does not believe that disclosure would serve to prompt, or further, any worthwhile public understanding or debate.
43. The Commissioner concurs that the request, and the persistence of the complainant's correspondence, is indicative of the complainant's entrenched position. To reiterate, the College has provided the Commissioner with a summary of the 30 pieces of correspondence that the complainant submitted between May 2020 and the date of the request. Having reviewed this summary, the Commissioner is satisfied that the majority of this correspondence seeks to reopen a line of enquiry that has already been thoroughly exhausted by the College, the University of Oxford and the courts.
44. The Commissioner believes that the complainant is unlikely to be satisfied by any response that the College may provide, even if this were to confirm that it does not hold the requested information. The Commissioner considers the GCRO is evidence that there is little realistic prospect of resolving the complainant's long-standing concerns and deep-rooted belief that the University of Oxford, and the College, has mistreated them.
45. The Commissioner notes that the matters with which the complainant is concerned are of immense importance to them. However, she considers the ongoing dispute between the complainant and the College serves no wider public interest. She deems this persistent use of the FOIA to pursue such a grievance has reached the point where it now constitutes

an abuse of the process whereby the complainant is using requests made under the FOIA as a means to continuously revisit personal arguments with the College.

46. Revisiting the themes of vexatiousness within the Dransfield case, the Commissioner is satisfied that the complainant's motives behind this request are to further their personal, long-standing campaign against the College.
47. The Commissioner is also satisfied that any member of staff tasked with corresponding with the complainant regarding the request may potentially feel harassed in doing so and balancing these factors against the little value and purpose that the request appears to represent, the Commissioner deems the high bar contained within section 14(1) is met.
48. The Commissioner believes that the request was vexatious and therefore the College was entitled to rely on section 14(1) of the FOIA to refuse the request in its entirety.

### **Section 17 – refusal of request**

49. Section 17(5) of the FOIA states:

*'A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.'*

50. The College failed to inform the complainant within 20 working days that it was relying on or section 14 to refuse the request. The Commissioner therefore finds that the College has breached section 17(5). She notes that the College apologised for this oversight.



## Right of appeal

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51. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

52. 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.
53. 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

**Alice Gradwell**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
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