

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 March 2023

Public Authority: Information Commissioner
Address: Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Note: This decision notice concerns a complaint made against the Information Commissioner ('the Commissioner'). The Commissioner is both the regulator of FOIA and a public authority subject to FOIA. He is therefore under a duty as regulator to make a formal determination of a complaint made against him as a public authority. It should be noted, however, that the complainant has a right of appeal against the Commissioner's decision, details of which are given at the end of this notice.

In this notice the term 'ICO' is used to denote the ICO dealing with the request, and the term 'Commissioner' denotes the ICO dealing with the complaint.

Decision (including any steps ordered)

1. The complainant has requested information relating to a previous decision notice issued by the Commissioner regarding the University of London's handling of a request for information. The ICO refused the request as vexatious.
2. The Commissioner's decision is that the ICO was entitled to rely on section 14(1) of FOIA to refuse the request because the request was vexatious.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 16 January 2022, the complainant made the following request for information in relation to the Commissioner's decision notice FS50908339:

"So my FOIA request is :
 - 1) Please disclose any meeting minutes (including web conference recordings), email correspondence, text reports... related to ICO ex-commissioner's reaching the wrong conclusion in the decision notice. (Eg. #35)
 - 2) Has the ex-commissioner or case investigator ever asked UOL library to provide a record of entry of this thesis in dispute? If not, why? (It was clearly stated in the email statement by librarian it was never received to the library before the investigation.)
 - 3) How do ex-commissioner agree "the original copy held by the University library was lost or mis-shelved sometime between mid-1980s and 2010s over which period there were numerous structural changes to the library"? Who provided the false info and time frame "1980s-2010s" mis-shelved information?"
5. The ICO responded on 11 February 2022, refusing the request as vexatious under section 14(1) of FOIA.
6. The complainant requested an internal review of the ICO's decision on 21 March 2022.
7. The ICO provided the outcome of its internal review on 19 April 2022, upholding its application of section 14 of FOIA.

Scope of the case

8. The complainant contacted the Commissioner on 22 June 2022 to complain about the way their request for information had been handled.
9. The Commissioner has considered whether the ICO was correct to refuse to comply with the request under section 14(1) of FOIA.

Reasons for decision

10. A vexatious request is defined as a “manifestly unjustified, inappropriate, or improper use of a formal procedure”.
11. It is evident from the complainant’s correspondence that this request is really a request about the PhD thesis of Taiwanese President Tsai Ing-wen.
12. The Commissioner is aware that the ICO has received a number of requests that form part of a concerted campaign, amongst a small group of individuals, to discredit President Tsai’s academic credentials.
13. The ICO has explained that the many requests it has received about this topic have been prompted by publication of the Commissioner’s Decision Notice under reference IC-109451-S1M2, which concerned a complaint about the London School of Economics and Political Science relating to the same topic, and which largely referred to the Commissioner’s previous decisions, given that the matter had already been comprehensively discussed and concluded upon.
14. The ICO is of the view that the intent of these requests is clearly to try to add weight to theories around the falsification of President Tsai’s PhD, which have already been considered at length by the Commissioner and the Tribunal and found to be entirely lacking in substance, as well as to express dissatisfaction with the Commissioner’s decisions in these matters and cause deliberate disruption to the ICO’s services.
15. The Commissioner is satisfied that the ICO has done as much as could be expected to satisfy all reasonable requests and reasonable requesters, given the ICO’s limited remit to consider whether FOIA has been complied with when dealing with such requests. Continuing to respond to such requests would be unlikely to satisfy the remaining requesters and would simply drain the ICO’s finite resources.
16. The Commissioner therefore takes the view that this is a request without reasonable foundation and that it has been submitted for the purposes of wasting the ICO’s resources, as well as attempting to discredit President Tsai. This is an abuse of the FOIA process.
17. The Commissioner is therefore satisfied that this request is vexatious.

Right of appeal

18. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

19. 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.
20. 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

Pamela Clements
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SK9 5AF