

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 July 2024

Public Authority: Oldham Metropolitan Borough Council

Address: Civic Centre
West Street
Oldham
OL1 1UT

Decision (including any steps ordered)

1. The complainant requested information from Oldham Metropolitan Borough Council ("the Council") relating to its freedom of information database.
2. The Commissioner's decision is that the Council is entitled to rely on section 14(1) (vexatious request) of FOIA to refuse to provide the requested information. However, he finds the Council breached section 10(1) (time for compliance) by failing to respond to the request within the statutory timeframe of 20 working days.
3. The Commissioner does not require the Council to take steps.

Request and response

4. On 4 January 2024, the complainant wrote to the Council and requested a copy of its freedom of information database.
5. The Council responded on 2 February 2024, and refused to comply with the request, citing section 14(1) (vexatious request) of FOIA as its basis for doing so.
6. On 4 February 2024, the complainant requested an internal review. The Council provided the complainant with the outcome of its internal review on 1 March 2024, in which it maintained its original position.

Reasons for decision

7. This reasoning covers whether the Council is entitled to rely on section 14(1) of FOIA to refuse to comply with the request.
8. The complainant does not consider their request to be vexatious, and believes it to be in the public interest. In their complaint to the Commissioner, the complainant stated that the Council has refused to comply with their request in an attempt to vex, annoy and harass them.

The Council's position

9. The Council considers the request to be vexatious. In its submissions to the Commissioner, the Council explained that the request in this case relates to a previous request for information made on 27 October 2023. In that request, the complainant asked for information relating to the Council's freedom of information (FOI) performance. This included the number of requests received by the Council in a specific time period, the number of requests responded to within 20 working days, and the number of requests that resulted in an internal review being conducted.
10. The Council stated that it provided the complainant with information in response to the previous request, and that the complainant disputes the accuracy of that information. Therefore, the Council believes the complainant to have made the request in this case in an attempt to further challenge the accuracy of the information previously provided.
11. The Council explained that the requested FOI database holds information relating to every information request that it has received since 2005, and contains almost 18,500 individual records. It stated that the database comprises of 46 front end data fields relating to the processing of requests, and a further 28 data fields that support the database's operation. The Council considers that it would be complex and burdensome to create a copy of the database; it says that the database is 24GB, and that the complainant would need a server to open and view the information.
12. Furthermore, the Council stated that whilst an extract report containing 20 of the front end data fields from the database is used to produce performance statistics, a new tailored extraction report would need to be created in order to extract a copy of all data fields. The Council has said that it would require an officer to access each record individually and manually extract information. Due to the significant number of records held on its FOI database, the Council considers that this would place an unreasonable burden on its resources.

13. The Council stated that if it were able to extract all the information held on the database, the task of preparing the information for disclosure would be grossly oppressive. It explained that whilst it would be able to easily remove personal data contained within certain data fields, such as a requester's name, free text fields would need to be reviewed individually to check that they do not contain personal data. The Council said that it also considered it likely that other exemptions may apply to information held relevant to the request.
14. The Council explained that since 2021, the complainant has made 19 information requests and that this is the first request that it has considered to be vexatious. Therefore, it refutes the complainant's assertion that it applied section 14(1) of FOIA to the request in an attempt to vex, annoy and harass them.

The Commissioner's position

15. The Commissioner accepts that, due to the nature of the requested information, in order to comply with the request it would be necessary for the Council to manually review records to determine whether they contain personal data. Given that the Council's FOI database contains almost 18,500 records, the Commissioner considers that this would take a substantial amount of time and would therefore place a significant burden on the Council and its limited resources.
16. Having reviewed correspondence between the complainant and the Council relating to both the request in this case and the complainant's previous request for information, the Commissioner also accepts the Council's argument that the complainant has made the request in an attempt to challenge the accuracy of information provided in response to the previous request. He does not consider there to be any substantive evidence to support the complainant's claim that the information previously disclosed is inaccurate. Therefore, he considers the request to lack a serious purpose and value.
17. Therefore, the Commissioner's decision is that the Council is entitled to rely on section 14(1) of FOIA to refuse to comply with the request.

Procedural matters

Section 10 – Time for compliance

18. Section 1(1) of 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.”

19. Section 10(1) of FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.
20. In this case, the complainant submitted their request for information to the Council on 4 January 2024 and the Council did not respond until 2 February 2024. Therefore, the Commissioner finds that the Council breached section 10(1) of FOIA by failing to respond to the request within 20 working days.

Right of appeal

21. 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

22. 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.
23. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Suzanne McKay
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF