



CRUDWELL
PARISH COUNCIL

How to make a request under the Freedom of Information Act

To make a request for information please email parish.clerk@crudwell-pc.gov.uk

You should clearly outline the information you would like, providing your full name and a return address, which can be an email address. You do not need to say why you are requesting the information.

Once you have submitted a request, you will receive a response from us within 20 working days (excluding bank holidays), and we will advise if this is not possible.

In some cases, we may be unable to provide you with the information if an exemption applies under the Freedom of Information Act. If this is the case, we will explain why, and you will have the opportunity to seek an internal review of our decision.

These exemptions include:

- accessibility of the information by other means
- law enforcement
- investigations
- personal data
- health and safety
- legal privilege
- trade secrets and commercial sensitivity
- maintaining confidentiality
- prejudice to the conduct of public affairs

Please be aware, a fee may be payable to cover the costs of printing or photocopying the information you request. We will inform you if a fee is due and you will need to pay the fee before we can process your request. In most cases you will not be asked to pay a fee.

Habitual or vexatious requests

These can be a problem for council staff and members. The difficulty in handling such requests is that they are time consuming and wasteful of resources in terms of officer and member time. While the council endeavours to respond with patience and sympathy to the needs of all requesters there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

Raising of legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent requester. Similarly, the fact that a complainant is unhappy with the outcome

of a request and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

Public authorities do not have to comply with vexatious requests. There is no public interest test.

- To decide whether a request is vexatious, you need to look at its context and history.

The key question is whether the request is likely to cause unjustified distress, disruption or irritation.

- In particular, you should consider the following:

☐ Can the request fairly be seen as obsessive?

☐ Is the request harassing the authority or causing distress to staff?

☐ Would complying with the request impose a significant burden in terms of expense and distraction?

☐ Is the request designed to cause disruption or annoyance?

☐ Does the request lack any serious purpose or value?

If a request is vexatious, the council does not have to provide any information or confirm or deny whether the council holds it. However, the council will usually still need to issue a refusal notice (unless previously issued one and it would be unreasonable to issue another).

An important point is that **it is the request, not the requester**, that must be vexatious. You must look at the request itself.

Information from the ICO (Information Commissioners Office).

Other considerations If a requester keeps asking for information already provided to them or refused, you may find it easier to refuse the request as “repeated”.

For more information, see our detailed guidance on Vexatious and repeated requests.

Some types of requests should not be considered as vexatious.

Examples include: • Requests for information that should be published under your publication scheme – you will need to provide this information, or direct the requester to where it is available (eg your website).

- Subject access requests – requests for the individual’s own personal data must be dealt with under the Data Protection Act 1998 and cannot be vexatious. See our Checklist for handling requests for personal information (subject access requests).

- Requests for environmental information – you must consider these under the Environmental Information Regulations 2004.

You cannot refuse requests as vexatious, but you can refuse a request that is “manifestly unreasonable”, subject to a public interest test.

More information

See our detailed guidance on Vexatious and repeated requests. This guidance will be reviewed and considered from time to time in line with new decisions of the Information Commissioner, Tribunal and courts on freedom of information cases. It is a guide to our general recommended approach to this area, although individual cases will always be decided on the basis of their particular circumstances. If you need any more information about this or any other aspect of freedom of information, please contact us.

Phone: 08456 30 60 60 01625 54 57 45

Email: please use the online enquiry form on our website Website: www.ico.gov.uk