

FOI 2022-740

I write in connection with your request for information dated 15th September 2022, concerning cups of coffee drunk by Wiltshire Police in a fiscal year.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

You wrote:

How many cups of coffee do your police force drink in a fiscal year ?

Response:

Wiltshire Police is unable to answer your request for information, as it is considered to be vexatious under Section 14(1) of the Freedom of Information Act 2000.

Whilst there is no obligation on Wiltshire Police to explain why the request is vexatious, I have decided to provide you with the decision-making thought process used for the application of Section 14, along with some of the Information Commissioner's guidance on its application.

The Freedom of Information Act is a piece of legislation designed to give the public access to information held by public authorities. It exists to make the decisions of those authorities transparent and to keep the public better informed regarding matters that affect them. However, Section 14(1) is designed to protect public authorities by allowing them to refuse any requests that have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress.

The leading case law on Section 14(1) Vexatious Requests can be found in the Upper Tribunal Case of **Information Commissioner vs Devon County Council and Dransfield (2012)**, where it defines the purpose of Section 14 as follows;

'Section 14...is concerned with the nature of the request and has the effect of disapplying the citizen's right under Section 1(1)...The purpose of Section 14...must be to protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use of FOIA...' (Paragraph 10).

The Information Commissioner's guidance on the application of Section 14(1) actually encourages public authorities to consider its use in any case where they believe the request is disproportionate, manifestly unjustified, inappropriate or an improper use of FOIA. This guidance can be found by following the below link:

www.ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/dealing-with-vexatious-requests-section-14/

When deciding whether to make a request Vexatious, an Authority needs to consider a number of things, not to mention the four key broad themes considered by the Upper Tribunal in Dransfield which are as follows :

1. the burden (on the public authority and its staff);
2. the motive (of the requester);

3. the value or serious purpose (of the request); and
4. any harassment or distress (of and to staff).

Whilst not directly questioning your motive for asking the question you have in this request, I do not believe you are genuinely interested in the answer to it.

Similarly, I do not see any value or purpose in your request as this cannot surely be in the public interest and I consider it a clear and inappropriate / improper use of FOIA.

Section 17 of the Freedom of Information Act 2000 requires the Wiltshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption applicable to the information requested is:

Section 14 – Vexatious or repeated requests

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

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.