

FOIA s.14(2) – vexatious or repeated requests

Vaithilingam Ahilathirunayagam v IC & London Metropolitan University

EA/2006/0070

20th June 2007

Cases:

Facts

The Appellant had been refused a degree and had been in dispute with the University for a number of years on the subject. He had previously issued court proceedings on the issue and had made a number of other complaints and appeals. The University considered that the substantial list of information requested under FOIA simply represented an attempt to re-open these disputes.

The IC considered that the request was vexatious under FOIA s.14(2).

Findings

The Tribunal considered each of 13 requests. It expressed the view that some of them were not requests for information at all or that they constituted subject access requests under data protection legislation. However, as neither point was pursued by the University or the IC, the Tribunal limited itself to considering whether the nature and language of each request, viewed in the context of the history of the dispute, was vexatious.

It concluded that the exemption under s.14(2) applied, taking into account the following matters:

- There is no statutory definition for the term vexatious and its normal use is to describe activity that is likely to cause distress or irritation, literally to vex a person to whom it is directed.
- The fact that several of the questions purported to seek information which the Appellant clearly already possessed and the detailed content of which had previously been debated with the University.
- The tendentious language adopted in several of the questions, demonstrating that the Appellant's purpose was to argue and even harangue the University and certain of its employees and not really to obtain information that he did not already possess.
- The background history between the Appellant and the University and the fact that the request, viewed as a whole, appeared to be intended simply to reopen issues which had been disputed several times before.

Conclusion

The appeal was dismissed.