

Mentmore Parish Council - Vexatious Request Policy

Overview

The Freedom of Information Act 2000 gives the public a right of access to official information held by public bodies.

Mentmore Parish Council is committed to ensuring transparency and accountability. Mentmore Parish Council recognises that this can sometimes mean there will be some level of disruption and inconvenience.

However, in some circumstances a request, or its impact on Mentmore Parish Council, cannot be justified and this policy sets out the circumstances in which a request can be refused on the grounds that it is vexatious.

When is a Request Vexatious.

1. s.14(1) of the Freedom of Information Act allows Mentmore Parish Council to refuse a request where it is vexatious or repeated.
2. In deciding whether a request is vexatious Mentmore Parish Council will assess the impact on the Parish Council's available resources and balance this against evidence supporting the purpose and value of the request. Where relevant, the Parish Council will consider the context, individual circumstance and history of the request on a case-by-case basis. This may include, for example, consideration of any previous dealings that the Parish Council has had with the individual submitting the request and any deficiencies or lack of clarity in the handling of previous requests.
3. As part of its decision-making the Parish Council will assess whether the request:
 - 3.1 Is obviously unreasonable, objectionable or argumentative in tone or content;
 - 3.2 Is intended to cause disruption or annoyance;
 - 3.3 Is likely to cause an unjustified or disproportionate level of disruption, irritation or distress;
 - 3.4 Is a manifestly unjustified, inappropriate or improper use of a formal procedure;
 - 3.5 Has no discernible value to the public or is trivial and without purpose or appears to be part of a personal grudge against an individual;
 - 3.6 Attempts to open an issue that has already been comprehensively addressed by Mentmore Parish Council;
 - 3.7 Is part of a series of frequent or overlapping requests or is part of a scattergun approach;

- 3.8 Would impose a grossly oppressive burden on Mentmore Parish Council due to the Amount of time required to review and prepare the information for disclosure;

Refusing a Request

4. Wherever possible the Parish Council will seek to adopt a conciliatory approach before refusing a request on the basis that it is vexatious. This may involve writing to the individual concerned and or engaging in dialogue to raise the Council's concerns.
5. Where a request is refused on the grounds that it is vexatious the Mentmore Parish Council will issue a refusal notice within 20 working days unless it has already issued a refusal notice for a previous vexatious request on the same topic and has warned the requestor that it will not do so again.
6. Where Mentmore Parish Council considers that the request imposes a disproportionate burden on the Council, it can seek to engage section 12 of the Freedom of Information Act and may refuse the request on the basis that the costs of compliance with the request exceed the appropriate limit.
7. Mentmore Parish Council acknowledges that it can only refuse a request where the nature of the request itself is vexatious or repeated. Mentmore Parish Council cannot refuse a request on the basis that the individual submitting the request is considered to be vexatious. Mentmore Parish Council cannot refuse a new request simply because previous requests from the same individual has been considered to be vexatious.
8. Mentmore Parish Council acknowledges that it cannot refuse a request on the grounds that it is vexatious because of concerns over the consequences of disclosure and must in these circumstances rely instead on a relevant exemption. Subject Access Requests
9. Mentmore Parish Council will deal with requests for an individual's own personal data as a Subject Access Request under Data Protection legislation. Record Keeping
10. Where the Council considers that a request is vexatious, it will retain adequate records and logs of all relevant correspondence and behaviour. Full Council will be provided with a regular report giving information about members of the public who have been treated as vexatious/persistent as per this policy.
Adopted at Mentmore Parish Council Meeting 7th August 2024.