



**Information Governance Team**

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Dear Sir/Madam

**Freedom of Information Act 2000 (FOIA)**

**Request ID: FOI472317672**

Thank you for your request for information relating to members of public assigned with a council single point of contact.

You have requested the following information:

**A) Please confirm the number of individuals who were assigned a council single point of contact when communicating with Coventry city council for the following calendar years :**

**Jan 2015 through to Dec 2022**

**B) Please confirm the longest period an individual was ever under the restriction of a single point of contact during the above periods. This is to include the initial period of assignment and also the overall subsequent length of time (e.g. initial 12 months but continued for 36 months)**

**C) How many different council officers were appointed as single points of contact and what were / are their role titles?**

We confirm that the information requested is held but the Council is applying a Section 14 Refusal Notice due to the burden that complying with your request will impose on the Council, as well as the impact on Council resources that will be utilised when responding to your request.

**Refusal Notice – Section 14(1) of the Freedom of Information Act 2000**

The right of access to information is not without exception and is subject to a number of exemptions and other provisions under the Act, including s14(1) of the FOIA which provides:

*“14. Vexatious and repeated requests*

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

In ICO Decision Notice FS50493150, the ICO clarified that the term vexatious is not defined in the FOIA.

The Upper Tribunal also considered the issue of vexatious requests in the case of the *Information Commissioner v Devon County Council & Dransfield* (Upper Tribunal Case No. GIA/3037/2011).

The Tribunal commented that vexatious could be defined as the *‘manifestly unjustified, inappropriate or improper use of a formal procedure’*. The Tribunal’s definition clearly establishes that the concepts of proportionality and justification are relevant to any consideration of whether a request is vexatious.

The Council believe that the current request is vexatious because it will be burdensome to the Council, by virtue of s14(1) of the FOIA. There is no public interest test so we have not gone on to consider the same.

The Information Commissioner’s Office (ICO) has provided guidance on dealing with vexatious requests and states *‘The Freedom of Information Act was designed to give individuals a greater right of access to official information with the intention of making public bodies more transparent and accountable. Whilst most people exercise this right responsibly, a few may misuse or abuse the Act by submitting requests which are intended to be annoying or disruptive or which have a disproportionate impact on a public authority.’*

The ICO further recognises that *‘dealing with unreasonable requests can place a strain on resources and get in the way of delivering mainstream services or answering legitimate requests. Furthermore, these requests can also damage the reputation of the legislation itself.’*

ICO guidance reminds public authorities that s14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress. The ICO also states the emphasis on protecting public authorities’ resources from unreasonable requests was acknowledged by the Upper Tribunal when it defined the purpose of s14 as *‘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.....’*

To assist public authorities the ICO guidance has provided a number of indicators as typical key features of a vexatious request. These are:

- Burden on the authority
- Disproportionate effort
- Abusive or aggressive language
- Personal grudges

- Unreasonable persistence
- Unfounded accusations
- Intransigence
- Frequent or overlapping requests
- Deliberate intention to cause annoyance
- Scattergun approach
- No obvious intent to obtain information
- Futile requests
- Frivolous requests

Having reviewed your request, we have determined that the following two factors are relevant in deeming your request vexatious:

- Burden on the authority
- Disproportionate effort

Although we understand that you may believe there to be serious purpose and value behind your request, we must consider whether the impact on the Council is justified.

The information that you have requested, where recorded, is not held in a centralised or an easily accessible format by the Council. Any analysis that might be undertaken in order to answer your original request would require a search through each complaint file over a number of service areas, including. In addition to this, the redaction of the personal data contained within the information requested would also take officers several days to complete. To determine what information can be discounted, as having already been reviewed, would require the creation of information by way of a spreadsheet in order to perform searches on dates, times and individuals to avoid duplication of efforts. The creation of this document alone would take an extraordinary amount of logging before any assessment of the information can begin. Further with the sheer volume of information requested there is a risk that some of it could be missed and / or personal data left unredacted, due to human error. It is estimated, conservatively, that to process all of the information would take an officer at least three working weeks to complete.

In coming to this conclusion, we have considered the Information Commissioner's latest published guidance, 'dealing with vexatious requests (s14)', particularly taking into account the volume of information to be considered for redaction and the resulting burden to the Council in reviewing and preparing the information for possible disclosure.

We are not alleging that you deliberately made your request burdensome or drafted it with the intent of making it otherwise overwhelming or oppressive. The Council cannot reasonably comply with its obligations under s1(1) of the FOIA without incurring significant encumbrance and impact on its day-to-day activities.

Although you may be disappointed by this approach, we would stress that such protection exists within the legislation in order to ensure that applicants use their rights to seek information responsibly and public authorities are not overwhelmed by over burdensome requests.

For the reasons outlined above, we are refusing this request under s14(1) of the FOIA. You have the right to appeal this decision as per the details below.

**D) With whom does the decision rest when deciding to appoint a single point of contact,**

**and are these decisions discussed with the elected council pre-decision? If not how do elected members know who has been assigned a single point of contact?**

The decision to appoint a Single Point of Contact is made by the relevant Assistant Director or Director of the relevant service. Introducing a Single Point of Contact is one of a number of options that the Council may use to manage unreasonably persistent or vexatious contact. Whether or not elected members are informed is dependent upon whether they have been the target of the persistent contacts.

**E) Once a single point of contact has been assigned, do any reviews take place? If so, how often, by whom and how are individuals notified of the outcome?**

The length of any action to be taken against a vexatious or persistent complainant depends on the circumstances of the individual matter. The complainant should be advised of the duration of the decision.

**F) Please provide your Council policy/constitutional extract pertaining to single points of contact**

Single Points of Contact are addressed in Coventry City Council's Corporate Complaints Policy and Procedure ([https://www.coventry.gov.uk/downloads/file/2880/complaints\\_policy](https://www.coventry.gov.uk/downloads/file/2880/complaints_policy)) at paragraph 19.1, bullet point two, which identifies that: *"In all cases where it is decided that someone is unreasonably persistent or vexatious the action the Council takes will be appropriate and proportionate, and may include one or more of the following options ... requiring contact to take place with a named officer."*

The supply of information in response to a FOI/EIR request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: [infogov@coventry.gov.uk](mailto:infogov@coventry.gov.uk)

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email [icocasework@ico.org.uk](mailto:icocasework@ico.org.uk).

Please remember to quote the reference number above in your response.

Yours faithfully

**Information Governance**