



Information Governance Team

Postal Address:
Coventry City Council
PO Box 15
Council House
Coventry
CV1 5RR

www.coventry.gov.uk

E-mail: infogov@coventry.gov.uk

Phone: 024 7697 5408

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Dear Sir/Madam

Freedom of Information Act 2000 (FOIA)

Request ID: FOI484626699

Thank you for your request for information relating to Supplier Invoice Payments.

You have requested the following information:

I am writing to you under the Freedom of Information Act 2000 to request the following information from your Accounts Payable department which has been numbered Part 1 and Part 2:

Part 1:

Transactional invoice payment data for all trade suppliers, paid from April 1 2018 – March 31 2022 to include the following:

Mandatory Requirement:

- Supplier name**
- Invoice date (date on invoice)**
- Date invoice was paid**
- Invoice gross value**
- Supplier invoice reference**

Part 2:

For all invoices where the payment date is greater than 30 days after the invoice date.

Optional Requirement (please provide if available in the same report)

- Invoice number (your system reference)**

- Date invoice was received (if recorded)

Further Guidance:

Please include:

- Invoices submitted by trade suppliers only, typically VAT invoices as defined by HMRC advice.
- The information in electronic form in a CSV, TXT file or excel format. as a mail attachment.

Do not include:

- Payments such as employee expense, residential care payments, foster care payments, direct payments, standing orders, business rate rebates etc.
- Any data you perceive as commercially sensitive or data protected (supplier name is not data protected for sole traders).
- A URL / link to the council's transparency spend data - this does not typically include the time taken to pay the invoice.
- The summary of the council's payment performance as required by the Public Contracts Regulations 2015. I am seeking the transaction detail that sits behind this.
- Information presented in a PDF format

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 section 14(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.

We 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.

In relation to Part 1: Having reviewed the request the Council would advise that whilst it holds payment performance information centrally, the information from feeder systems (which includes, but is not limited to systems for facilities, care systems, temporary agency workers and utilities) does not identify if the payee has submitted an invoice, a requirement that is needed to satisfy your request. We are therefore unable to separate out payments that are not supported by an invoice from the payment performance data that we hold to meet your request.

To explain further, each year's report contains approximately 150,000 lines of data for payments made through our Purchase to Pay system. We have numerous systems feeding in to our P2P for which invoices may or may not be required.

In relation to Part 2: The Council are unable to identify and remove all disputed invoices from centralised payment performance data from the payment performance information centrally.

To provide you with the information requested would involve contacting each Service area of the Council. 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. Following a sampling exercise, it is estimated, conservatively, that to process all of the information would take an officer at least 5 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 Act 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 Act. You have the right to appeal this decision as per the details below.

Refusal Notice – Section 31(1)(a) of the Freedom of Information Act 2000

Further and in the alternative, the Council considers that the information you have requested is exempt from disclosure under Section 31(1)(a) of the FOIA. Section 31 of the FOIA relates to Law Enforcement and s31(1)(a) exempts information from disclosure where its release would, or would be likely to prejudice the prevention or detection of crime (in this case cybercrime and fraud). Prevention or detection of cybercrime and fraud can protect information on the Council's systems which would make it more vulnerable to crime if disclosed. It is the Council's view that disclosing all the information requested would provide a picture relating to payments made to the Council, including regular and recurring payments and would be likely to compromise the Council's information security strategies by giving cyber criminals insight into vulnerabilities which may or may not exist (e.g. they may try to intercept a payment made by the Council to a contractor).

Section 31(3) is a qualified exemption, and as such we have gone on to perform a public interest

test in order to assess the public interest arguments for and against declaring whether or not the requested information is held.

For Disclosure:

- Disclosure of the information requested would demonstrate a commitment to transparency with regard to the Council's undertaking and could show how monies have been spent and help the public to understand how decisions have been made.
- There is a general public interest in disclosure and the fact that openness by the Council increases public trust in, and engagement with, the Council.

Against Disclosure:

- Maintaining the integrity and security of the Council's systems.
- Revealing the information may assist cyber criminals' insight into not only the strengths of the Council's ICT infrastructure, but also any potential weaknesses that may exist. This could ultimately result in a future cyber-attack / attempted fraud.
- Any release under FOIA is a release to the world at large. If the Council discloses the requested information along with other Councils, this may allow cyber criminals to build a picture and target their attacks.
- The occurrence of a future cyber-attack could prejudice the Council's legal duty to safeguard information from loss, theft, inappropriate access or destruction. The Council do not want to release information which could increase the probability of this occurring.

The Council are conscious that no organisation is safe from cyber-attacks. Of note, public organisations were targeted during the pandemic (most notably in South Gloucestershire, February 2021) and cyber-attacks are on the increase as a result of the Russian invasion of the Ukraine.

On balance the public interest in maintaining the exemption outweighs the arguments for disclosure and on this basis the information requested is being withheld.

You have the right to appeal this decision as per the details below.

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

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.

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

Yours faithfully

Information Governance