



# NORTH TAWTON TOWN COUNCIL

14A The Square  
North Tawton  
EX20 2EP  
Tel: 01837 880121

This is a document that sets out North Tawton Town Councils approved and agreed practices. Any deviation must be by resolution of the full Council.

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## **THIS IS A CONTROLLED DOCUMENT**

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# **North Tawton Town Council Vexatious and unreasonable Requests Policy**

## **1). Introduction**

Members of the public have a right to request information from the Town Council. The requests may be in the form of a written, e-mailed or telephone enquiry, a Freedom of Information request (FOI) or a Subject Access Request (SAR).

FOIs are governed under the Freedom of Information Act (FOIA) which is designed to avoid unnecessary secrecy in public bodies. SARs are governed under the General Data Protection Regulations (GDPR) and the Data Protection Act (DPA) which are designed to protect people's privacy and personal information. The Council should respond to an FOI request within 20 working days and to an SAR request within one month. Further information is available from the Information Commissioner's Office (ICO).

It is the policy of North Tawton Town Council to answer reasonable requests and to meet its obligations under the respective laws and regulations and to comply with the spirit and intent of those laws. However, in doing so we need to ensure that this does not detract from our primary duty of serving the people of North Tawton and does not incur unacceptable costs.

## **2). Defining a Vexatious or Unreasonable Request**

In legislation, a request may be considered vexatious if it is apparently intended to disrupt the Council's operations by imposing an unreasonable burden on the Council's employees or Councillors without a clear and valid reason. It is not a finding that a particular individual is vexatious and that any other request from them can automatically be refused - it is about the individual request.

### **2.a). Subject Access Request (SAR)**

An individual has the right to ask the Council whether they are using or storing the individual's personal information. They can ask for copies of their personal information, verbally or in writing. The Council is the data controller and not individual employees or office holders.

The Council may refuse to provide some or all the requested information if an exemption or restriction applies, or if the request is manifestly unfounded or excessive.

Examples of when an authority may withhold some or all the information requested in a SAR are:

- Manifestly unfounded requests including those where the request is being used to harass the Council or cause disruption.
- Information about other people or where other people's data may be included in documents that have been requested. The Council may choose to redact the information or not provide it at all.
- Legal professional privilege where personal information has been discussed or

included in confidential communication with the Council's legal advisers and is considered privileged.

- Excessive requests.

The ICO provides guidance to assist authorities when considering whether a request is clearly or obviously unreasonable: such as whether the request is proportionate when balanced with the burden or costs involved in dealing with the request.

A request is not necessarily excessive just because the individual requests a large amount of information or because they have previously made a similar request. This will mean considering all the circumstances of the request including:

- the nature of the information the request is about.
- the context of the request and the circumstances of the relationship between the Council and the person.
- whether a refusal to carry out the request or even acknowledge that the Council holds relevant information may cause substantive damage to the person, such as an adverse impact on their rights.
- the Council's available resources.
- whether the request largely repeats previous requests and there has not been a reasonable interval since the last request.
- whether it largely overlaps with other requests (although if it is about a separate set of information, it is unlikely to be excessive); or
- where the Council has already provided a copy of the information to the person by alternative means.
- where the person making the request can reasonably obtain the information themselves from other sources.

## **2.b). Freedom of Information Request (FOI)**

The purpose of the FOIA is to give members of the public the right to see information. With that right comes a responsibility not to submit requests which are intended to be annoying, disruptive or have a disproportionate impact on a public authority in terms of time or cost.

There are a variety of exemptions which a public authority may apply to a FOI request. For example, Section 12(1) FOIA – the provision which allows a public authority to refuse to comply with a request for information where the cost of compliance is estimated to exceed a set limit known as the appropriate limit. In these circumstances, the Council has an obligation to respond to the request and explain the reasons why the Council is refusing the request.

Section 14(1) FOIA 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 to Council employees or Officers and removes the obligation for the Council to respond where certain criteria are met.

A public authority should not consider the identity or intentions of a requester when considering whether to comply with a request for information. A public authority cannot

refuse a request simply because it does not seem to be of much value. A minority of requesters, however, may sometimes abuse their rights under the Freedom of Information Act, which can threaten to undermine the credibility of the freedom of information system and divert resources away from more deserving requests and other public business.

Patently unreasonable or objectionable requests will sometimes obviously be vexatious. Where the issue is less clear-cut, the guiding principles are summarised in the judgment below:

“The starting point is that vexatiousness primarily involves making a request which has no reasonable foundation, that is, no reasonable foundation for thinking that the information sought would be of value to the requester or to the public or any section of the public. The decision maker should consider all the relevant circumstances to reach a balanced conclusion as to whether a request is vexatious.

The question of vexatiousness should be considered in the round, considering the past requests and the number of requests made. Further guidance is available from the ICO.

The price list regarding photocopying costs can be found in the Town Council Freedom of Information Publication Scheme, either via the website, or by the link below:

<https://northtawtontowncouncil.gov.uk/wp-content/uploads/2026/02/Freedom-of-Information-Publication-Scheme-February-2026.pdf>

### **3). Responding to Vexatious or Unreasonable Requests**

#### **3.a). Subject Access Request (SAR)**

If the Council decides to refuse a SAR we will write to the Requester to inform them and provide reason(s) for the refusal. The Council is also obliged to provide details of how to make a complaint to the ICO.

#### **3.b). Freedom of Information Request (FOI)**

If an FOI request is identified as Vexatious or Unreasonable the Council is not obliged to provide the information requested and will issue a refusal notice. If the request is vexatious or repeated, North Tawton Town Council will inform the requester of its decision, however the Council is not obliged to explain it further. The Council is also obliged to provide details of how to make a complaint to the ICO.

When the Council is dealing with a series of requests and the requester is developing a pattern of behaviour, it may arrive at a tipping point where it decides that, whilst it was appropriate to deal with a requester's previous requests, the continuation of that behaviour has made the latest request(s) vexatious.

When the Council sees this tipping point approaching it must record any relevant correspondence and behaviour. The 'evidence' log should be proportionate to the nature of the request(s). The focus should be on key milestones in chronology and cross-referencing existing information rather than gathering or developing new information.

The ICO accepts that a public authority needs to use judgment when deciding whether to engage with a particular requester regarding this behaviour. Some requesters may be prepared to enter some form of dialogue with the Council. Others, however, may be aggrieved to learn that the Council is considering refusing their request under section 14(1) FOIA or the implications that the request is vexatious. Indeed, approaching these requesters and asking them to moderate their requests could provoke the very reaction that the Council is trying to avoid.

If the Council considers, based on the evidence in the evidence file, that there is no likelihood of satisfactory conciliation over the matter then it may decide to impose restrictions on the requestor's future correspondence with the Council.

If this is the case the requestor will be informed that: -

- The Town Council will only accept correspondence from that requestor by e-mail or in writing addressed to The Chair of the Council.
- The Town Council will refuse to register and process any further requests from that requestor about the same matters, ending all communication on the matters the requestor has raised and in respect of which the Council has responded. Future correspondence will be read and stored in accordance with the Council's normal retention procedure but not acknowledged unless the Council is under a legal obligation to do so.

The requestor will be notified of the period over which the restriction will remain in force upon which date the Council will review the restriction. The Council will lift the restriction unless it considers it has grounds to extend it.

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