



Your reference:

Our reference: FOI_2023.1138

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 20/12/2023

Dear

Gloucestershire Constabulary Freedom of Information request 2023.1138

On 23/11/2023 you sent an email constituting a request under the Freedom of Information Act asking the following:

- I am writing to request the latest force management statement (FMS) of the Durham Police. I apologize if I overlooked it but I could not find it on the website.

We have assumed that the original request has a typing error and the request was, in fact, meant to request the FMS of Gloucestershire Constabulary.

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary holds some relevant information, however we are not obliged to supply the information you have requested.

Section 17 of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption applicable to the information requested is:

Section 14 – Vexatious or repeated requests

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

Gloucestershire Constabulary are unable to respond to your request for information as it is considered to be vexatious under Section 14(1) Freedom of Information Act (FOIA) 2000. Although there is no obligation on a public authority to articulate the reasons why a request is vexatious, the decision making thought process for applying this exemption has been

provided below, along with some of the Information Commissioner's guidance on its application.

Whilst the FOIA has been designed to give the public access to information held by public authorities, Section 14(1) has been designed to protect these public authorities by allowing them to refuse any requests that have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress.

The purpose of Section 14 was outlined during the Upper Tribunal in the case of [Information Commissioner vs Devon County Council & Dransfield \(2012\)](#):

"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..." (paragraph 10).

Additionally, the Information Commissioner's guidance encourages public authorities to consider the use of Section 14(1) in any case where it's believed the request is disproportionate or unjustified ([S.14 - dealing with vexatious requests](#))

In his guidance on Section 14(1), the Information Commissioner says an authority is likely to have a viable case where:

- The requester has asked for a substantial volume of information AND
- The authority has real concerns about potentially exempt information, which it will be able to substantiate if asked to do so by the ICO AND
- Any potentially exempt information cannot easily be isolated because it is scattered throughout the requested material.

Substantial volume of information

Whilst I can confirm Gloucestershire Constabulary does hold the information requested and therefore there are no issues regarding the engagement of Section 12 (cost of compliance exceeds appropriate limit) of FOIA, the Force Management Statement (FMS) is a very substantial document, running to many hundreds of pages, and Gloucestershire Constabulary are concerned that the document will more than likely contain information that needs to be exempt from disclosure. The FMS would need to be reviewed line by line to determine whether the information within the document engages any of the exemptions within the FOIA.

Although Gloucestershire Constabulary have previously answered requests for this document, the process of identifying exempt information and redacting the necessary information to ensure it was suitable for public viewing, took many weeks. The process included:

- Asking department heads / subject experts to review their individual sections and identify any information that would be harmful to disclose into the public domain.
- Reviewing these comments to determine whether any exemptions under FOIA were engaged
- Occasionally needing to seek further clarification from department heads / subject experts regarding their reasoning why they highlighted a certain part of the section as harmful.

- The FMS department completing a final check of any redactions and the arguments for / against applying the exemption before the redactions could be made and the response sent out to the requester.

This process diverted department heads / subject experts and staff from the Force Disclosure Unit away from their core functions for significant periods of time. The ICO has provided the following guidance in relation to this:

Requests which would impose a grossly oppressive burden but are not covered by the Section 12 cost limits

An Authority cannot claim Section 12 for the cost and effort associated with considering exemptions or redacting exempt information.

Nonetheless, it may apply Section 14(1) where it can make a case that the amount of time required to review and prepare the information for disclosure would impose a grossly oppressive burden on your organisation.

Real concerns about potentially exempt information

From previous responses to this/very similar requests, I can confirm it is likely that the following exemptions would be engaged:

- Section 24(1) – National Security
- Section 31(1) – Law enforcement

The application of exemptions also requires completing prejudice and/or public interest tests, which allow the public authority to articulate the positive and negative effects disclosure would have on them.

Potentially exempt information cannot easily be isolated because it is scattered throughout

As a substantially large document has been requested, rather than specific information within the document, it could be argued you do not know what information you require but instead hope to find something of interest within the document. This can be seen as a 'fishing' expedition, as it is creating a burden on the authority by requiring us to spend a large amount of time considering any exemptions and redactions that may apply. Please see the page [Are random and speculative requests vexatious?](#) of the ICO guidance for further information.

Based on the above arguments, it is considered that complying with this request would be a burden on the authority and it is demonstrated how this would cause a disproportionate level of disruption. On this basis, Section 14(1) FOIA is engaged.

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you

are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary