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Seeing double

Understanding both SAR and FOI requests

Who are the presenters?

Presenters:

- Ribia Nisa, Team Manager
- Sarah O’Cathain, FOI Senior Case Officer
- Sarah Coggrave, Senior Information Access Officer
- Alison Fletcher, Senior Policy Officer

What will be covered?

- Quick quiz
- Vexatious requests under FOI
- Manifestly unfounded and excessive SARs
- Commercially motivated FOI requests and SARs
- Practical tips
- Your questions



Quick quiz

On your marks, get set, go!

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Yes or no?



1) A person makes a **SAR** and says they submitted it to waste your organisation's time and resources. Can you refuse the SAR?



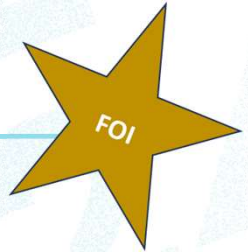
2) A person has sent you a round robin **FOI** request that has also been sent to other public authorities. Do you need to provide a response?



Vexatious FOI requests

Sarah O’Cathain and Sarah Coggrave

Vexatious requests



What is a vexatious request?

Is the request likely to cause a disproportionate or unjustified level of:

- disruption;
- irritation; or
- distress?

Example:

Your organisation was involved in a situation which generated significant negative media coverage.

A member of the public who has a long history of dissatisfaction with your organisation has been sending in numerous FOI requests asking for “evidence of corruption” and linking the “scandal” to their own personal concerns about customer service.

Practical tips



Clarification
Warnings
Guidance

The request is vexatious
(rather than the
requester)

Handle requests on a
case-by-case basis

Publishing refusals on
public platforms

Use case/correspondence
records as evidence

Good customer
management processes

Manifestly unfounded and excessive requests

Alison Fletcher and Sarah Coggrave



Manifestly unfounded



Definition:

A request is considered manifestly unfounded if it is clear that:

- the person has no intention of exercising their rights or,
- if the request is malicious in intent.

This can include requests made to harass an organisation or cause disruption.

Example:

You made a mistake on a customer account.

The customer submitted a SAR for everything you hold about them.

They say they won't need the information if you pay them compensation for the mistake.

Practical tips



Guidance

Advice

Warnings

Good customer
management processes

Use case/correspondence
records as evidence

Consider engagement
with the requester more
broadly

Manifestly excessive



Definition:

A request is considered “manifestly excessive” if:

- it’s clearly or obviously unreasonable; or
- the request is **not** proportionate when balanced with the burden or costs.

Example:

You complete an initial search for personal information in relation to a SAR.

The search returned 1.4 million results for an ex-employee.

Practical tips



Seek clarification

Conduct reasonable searches

Is it personal data?

Records management and retention

Auto retention where appropriate

Transparency about approach

Commercially motivated requests

Sarah O’Cathain, Alison
Fletcher and Sarah Coggrave

Commercially motivated FOI requests



Commercially motivated **FOI** requests might include:

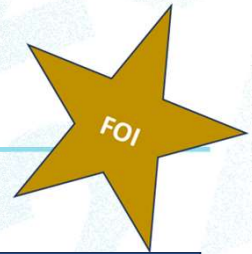
- round robin requests; or
- requesting information that they can then use to sell products/services to you.

Example:

An organisation emails the same request to multiple public authorities, including you, to enquire about how much you pay for services.

The organisation making the request is a competitor of one of your service providers.

Practical tips



Normal course of business where appropriate

Publication scheme

Disclosure log for previous responses

Information that is already available or due to be published

Resource required to locate or assess the information

Commercial sensitivities

Multiple SARs



Multiple **SARs** can be motivated by commercial interests. They might include:

- a legal representative submitting SARs for multiple people to an organisation; or
- looking for information to support a potential claim.

Example:

A claims company makes multiple SARs on behalf of their clients for all information you hold about their clients.

The claims company has explained that the information is required to be able to claim compensation in relation to a mis-sold financial product.

Practical tips



Letter of authority

Clarification

Identify reasonable
search terms

Capacity

Complexity

Exemptions

Practical tips

Sarah Coggrave



Practical tips



Communication with requestors

Good customer management processes

Transparency

Records management and retention

Identify reasonable search terms

Document and retain decision making

Your questions

Over to you

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