

Our ref: IR 101176 - 82 (excl. 79)
Your ref:

[name removed]
Via email

Jonathan Drysdale
Freedom of Information Officer
Piccadilly Gate
Store Street
Manchester
M1 2WD

24 July 2020

Dear [name removed]

Internal Review of NRTS 1 & 2 Freedom of Information requests (FOI 101176, 101177, 101178, 101180, 101181 & 101182)

Further to your emails dated 26 June 2020 regarding an internal reviews of our response to your requests under the Freedom of Information Act 2000, it has been passed to me to conduct an internal review of the way in which your requests (Ref. FOI 101176 – 82 excl. 79) were handled.

In your 7 e-mails dated 15 June 2020 you made 7 separate requests regarding the NRTS 1 & 2 programmes. They were made under the following titles, I have placed the Highways England reference number beside each to clarify how each were identified –

E-mail 1 – NRTS1 HE Tax Year Breakdown (FOI 101176)

E-mail 2 – NRTS2 Job Titles (FOI 101177)

E-mail 3 – NRTS1 Job Titles (FOI 101178)

E-mail 4 – NRTS2 HE Tax Year Breakdown (FOI 101179)

E-mail 5 – NRTS1 HA Tax Year Breakdown (FOI 101180)

E-mail 6 – NRTS1 Pension Scheme (FOI 101181)

E-mail 7 – NRTS2 Pension Scheme (FOI 101182)

On the 26 June 2020 Highways England provided one response which incorporated all of the above requests/reference numbers refusing the request as vexatious under Section 14(1) of the Freedom of Information Act as the requests were frequent and overlapping, could be characterised as scattergun and intending to cause annoyance by disrupting the work of Highways England by having to keep diverting resources away from other work to address your requests. The single response was sent to each of the 7 What Do They Know e-mail addresses used to submit the requests

Following this response on 26 June 2020, you contacted Highways England asking for internal reviews of 6 of your requests, those that are listed at the top of this letter. Please note that no request for internal review was made regarding FOI 101179 and as such no review shall be issued to that What Do They Know address.

I have now had the opportunity to review the request and response and I am satisfied that the request has been handled correctly and refused under Section 14(1) as vexatious for the reasons set out in our response on 26 June 2020. Whilst I do acknowledge that you have indicated in your requests for internal review that the requests were not made with the intent to cause annoyance, I do feel as though your continued requests on the subject of NRTS1 & 2 are a campaign against Highways England and its contractors into the work they are undertaking in this area; and the requests submitted are done so to disrupt the work by way of diverting the time and resources the team have away from this work and having to address your continued, multiple requests.

In your requests for internal review you have also raised the point that a requester cannot be treated as vexatious only the request because part of the response indicates 'further requests made by yourself' will be treated as vexatious. I do agree with you that the requester cannot be classed as vexatious and you have not been, this is because as the full response on this part says **'Highways England will be treating any further requests on the NRTS1 & 2, made by yourself, as vexatious under Section 14(1) of the Freedom of Information Act'**. This indicates that it is not you that has been classed as vexatious only your requests. and any future requests. on the subject of NRTS1 & 2 will be treated as vexatious. For example, if you were to make future requests on a topic other than NRTS1 & 2, Highways England would not consider the request as vexatious, however were you to submit future requests regarding the subject of NRTS1 & 2 Highways England would consider the requests vexatious under Section 14(1).

In light of the above, I have also found that the explanation that future requests made on this subject will be viewed as vexatious and that further refusals will not be issued under the rights afforded to the Authority in Section 17(6) of the Act.

In conclusion, I am satisfied that the requests made on 15 June 2020 have been correctly refused as vexatious under Section 14(1) of the Freedom of Information Act. In addition, I am also satisfied that any future requests made by yourself on this topic can be considered vexatious and may not be met with a response issued indicating as such under the rights afforded by Section 17(6) of the Act.

If you are not satisfied with the outcome of this review you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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

Yours sincerely

Jonathan Drysdale
Freedom of Information Officer