

7 July 2022

Dear

**Complaint in respect of Request for Information – reference ATISN 16301**

Thank you for your letter of 1 June 2022 asking us to review our decision to withhold information regarding your request for information with the above reference. The request was withheld under FOIA Section 14(1) as being vexatious. In your request for a review you made the following points:

1. The FOIA guidance indicates that a decision made on the term “vexatious” is not permanent, (ie a lifetime exclusion from making a request). The Welsh Government first applied “vexatious” to my requests more than 4 years ago on 18/02/2018 not 15/11/2018 as you state in your letter. There have been no requests made in the last 4 years .
2. The statement that: “The matter you are asking about relates directly to the matters you have asked about in multiple previous requests ”. is not true as all the above documents I have requested post date 18/02/2018 and 15/11/2018. The documents are from 2019,2020, 2021 and have no relation to any of the previous requests.

On your first point, the term “vexatious” under FOI refers to a request and not to a requestor. There is no permanent (nor even temporary) bar on a requestor making an FOI request after their previous request has been refused as vexatious. What makes a request vexatious are the contents and subject of the request itself. Your last recorded FOI to us was in January 2020 (ATISN 13672), and Welsh Government did not refuse that request as vexatious.

On your second point, I understand that the documents you request may post-date your previous request, but we consider your latest request vexatious by virtue of the underlying subject matter.

As we stated in our initial response to you, in a letter sent to you on 15 November 2018, namely the internal review response to ATISN 12698, it was again explained to you that, in line with guidance from the Information Commissioner, the wider history and context of your request is taken into consideration when concluding that a request is vexatious. To be clear, this means the decision is based on the

cumulative argument of all your correspondence to the Welsh Government on this matter to date, not just this particular FOI request.

This latest request directly relates to your previous correspondence in context and in substance. It directly names an official in Welsh Government whom you have repeatedly targeted, and you chose to copy your request, complete with references to evidence provided to the police and the Welsh Government's head of security that "*that Mr Hall had attempted to correct the incorrect data over the months before the Strategic Management Board Meeting*" to a very wide range of journalists and politicians. While you are free to do this, we have taken it as evidence of a recurrence of behaviour highlighted by the First Tier Tribunal (where they found you had "*unnecessarily attacked the integrity and competence of a number of public officials*") and also your intention to re-open and re-examine matters that have been dealt with fully in the past and now by the police in the present.

I therefore conclude that your request is vexatious and uphold the decision to apply section 14(1).

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

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

Tel: 01625 545 745  
Fax: 01625 524 510  
Email: [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk)

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
Bridgend  
CF35 5LJ

Telephone: 0845 6010987 (local rate)  
Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)