

# Freedom of Information

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## Headlines

- Section 12 costs calculations should be set out in Refusal Notices, says expert, p.19
- Tobacco firm using FOI law to access secret academic data, p.19
- ICO launches A-Z index of FOI guidance, p.20

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## List of empty houses at large

In a ruling which Housing Minister, Grant Shapps, has described as 'bizarre', Camden Council has been ordered by the First-Tier Tribunal (Information Rights) to disclose lists of empty properties meeting certain descriptions to a former member of the Advisory Service for Squatters.

*Voyias v IC and LB Camden (EA/2011/0007)* concerned an appeal from the former member of the ASS against the decision of the Information Commissioner that the public interest favoured non-disclosure of the lists.

Camden Council had

argued, and the Information Commissioner agreed, that section 31(1) (a) of the Freedom of Information Act 2000 (the exemption for the prevention of crime) was engaged, because disclosing the list risked unleashing a wave of criminal damage, arson, drug-related crime and organised 'stripping' of vacant properties.

The Tribunal accepted that the exemption was engaged in relation to 'organised' squatters, because disclosure was likely to cause an increase in the number of properties squatted in.

However, the Tribunal

was not satisfied that disclosure would influence the behaviour of disorganised or opportunistic squatters, or those engaged in more systematic criminal behaviour involving drug use.

Though the Tribunal found that the qualified exemption was engaged, it found that the application of the public interest test favoured disclosure.

The Tribunal did not consider that any perceived social disadvantage of living next door to squatters, or the costs of the eviction of squatters, were matters that the Tribunal was

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## Tribunal considers bigger picture

The First-Tier Tribunal has issued two significant decisions on the question of how the 'wider context' of an information request can help to establish whether a request is vexatious under section 14 FOIA.

The 'wider context' is one of the five factors considered by FOI decision-makers as part of determining whether a request can fairly be seen as obsessive (one of the five questions to look at

when applying section 14 according to established guidance). In both cases considered by the Tribunal, the public authority and the Information Commissioner had already found that section 14 applied because of this factor.

In *Duke v IC and University of Salford (EA/2011/0060)*, where the context involved the requester acting in concert with others in pursuing a targeted

campaign of requests, the Tribunal agreed that the wider context helped to determine that the request was vexatious.

The applicant had formerly been employed by the University and sought information which he said was for a forthcoming Employment Tribunal. The University subsequently received over 100 requests for information during a three month period, submitted

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