

## Request for copy of LGOIMA request

<b>Legislation</b>	Local Government Official Information and Meetings Act 1987, s 17(h)
<b>Agency</b>	District Council
<b>Ombudsman</b>	Dame Beverley Wakem
<b>Case number(s)</b>	391655
<b>Date</b>	November 2015

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*Earlier decision to supply the (wrong) information undermined later decision to declare the request vexatious—request arose out of genuine interest in the subject—while the requester had been critical of Council that did not mean the purpose of his request was to harass or annoy—s 18(h) does not apply—information should be released*

A requester sought a copy of another person’s LGOIMA request for communications by a councillor about a local statue. The Council disclosed a copy of a different LGOIMA request by that person. The requester wrote to the Council to point out that it had provided the wrong information. The Council refused this ‘*further request*’ as being vexatious, and the requester complained to the Chief Ombudsman.

The Council described a long-standing feud between the requester and the person whose LGOIMA request he sought. In Council’s view, these individuals were using the LGOIMA to score points off one another. It was inconsistent for these purported ‘*Council watchdogs*’, who had been highly critical of what they saw as wasted Council resources, to use Council staff time to respond to requests which in no way generated any benefit to the wider public.

The Chief Ombudsman did not agree that the requester’s letter to Council pointing out that it had provided the wrong information represented a ‘*further request*’. It was the same request as the first, restated for the purpose of identifying that the Council’s original response was insufficient.

The Council initially decided to meet the request (albeit with the wrong information). It later determined that request to be vexatious. The reason for the Council’s change of approach was

not clear and seemed incongruous. The original decision to meet the request undermined the later decision to label that same request vexatious.

The Chief Ombudsman was not persuaded that the requester was abusing his right to seek official information. While the purpose for which he sought the information might not be particularly meritorious, that did not make his request vexatious. The request arose from references to the information in other information disclosed to the requester by the Council, and due to a genuine interest in the subject. While the requester may have been critical of the Council, there was nothing to suggest that his request was intended to harass or annoy.

The Chief Ombudsman formed the opinion that the request was not vexatious and the Council released the information to the requester.

*This case note is published under the authority of the [Ombudsmen Rules 1989](#). It sets out an Ombudsman's view on the facts of a particular case. It should not be taken as establishing any legal precedent that would bind an Ombudsman in future.*