Work sheet for dealing with potentially frivolous or vexatious requests

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| http://openclipart.org/image/800px/svg_to_png/14428/h0us3s_Signs_Hazard_Warning_9.png Important noteThis summary work sheet will help you to decide whether there is a proper basis for refusing a request for official information under section 18(f) of the OIA / 17(f) of the LGOIMA, because the request is frivolous or vexatious. Detailed guidance on this refusal ground, and tips for dealing with difficult requesters, can be found in our guide: [*Frivolous vexatious or trivial*](https://ombudsman.parliament.nz/resources/frivolous-vexatious-and-trivial-guide-section-18h-oia-and-section-17h-lgoima). |

| 1. Are any other provisions relevant?
 | * Before deciding to refuse a request as frivolous or vexatious consider whether any other provisions are relevant, including:
	+ Substantial collation or research (section 18(f) OIA / 17(f) LGOIMA)
	+ Information not held (section 18(g) OIA / 17(g) LGOIMA)
	+ Protection for staff (sections 9(2)(a) and 9(2)(g)(ii) OIA / 7(2)(a) and 7(2)(f)(ii) LGOIMA)
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| 1. Is the request frivolous or vexatious?
 | * Consider the nature of the request in light of the surrounding circumstances, including:
	+ The burden of the request
	+ The purpose or value of the request
	+ The intention behind the request
	+ The effect of the request on staff
	+ The language or tone of the request
	+ The history and context of the request
	+ Whether the same information has been supplied previously and there is no good reason for it to be supplied again
* Based on this and any other relevant considerations, would it be plain and obvious to a reasonable person that the request amounts to an abuse of the right to access official information?
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| 1. Making the decision
 | * Ask someone else who isn’t familiar with the background to consider whether the request meets the high threshold for being frivolous or vexatious.
* Ensure an appropriately senior person makes the decision.
* Document the evidence and reasoning for the decision.
* Use our [Template letter 16: Refusal—Frivolous or vexatious request](https://ombudsman.parliament.nz/resources/template-letter-16-refusal-letter-under-section-18h-oia-section-17h-lgoima) as a starting point. Add details of the agency’s evidence and reasoning to demonstrate that it has taken a carefully considered approach to refusing the request.
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