

Request for correspondence regarding dog control officer's actions

Legislation	Local Government Official Information and Meetings Act, s 17(h); Ombudsmen Act 1975, s 17(1)(d)
Agency	District Council
Ombudsman	Dame Beverley Wakem
Case number(s)	350799
Date	June 2015

Request related to dispute some 16 years prior that had already been the subject of court proceedings and inquiries by this Office—request was an attempt to re-litigate already long concluded matters and an abuse of the right to access official information—vexatious complaint—Ombudsman refuses to investigate

This request arose in the context of an individual's dispute with a council about a dog control officer's actions. The requester, in 2014, sought copies of correspondence to particular parties subsequent to a council committee meeting in 1999. The council refused the request as it would require an extensive search through archives and on the grounds that it was vexatious, and the requester complained to the Chief Ombudsman.

The Chief Ombudsman noted that the driving force behind the LGOIMA request was the requester's substantive concern about matters dating back some 16 years. This concern had already been the subject of court hearings and inquiries by the Ombudsman. In 2007 the former Chief Ombudsman said that a considerable amount of time had been spent on this dispute, and it would be unreasonable to expend any further time on an issue that could have no productive outcome.

The LGOIMA request and subsequent complaint were seen by the Chief Ombudsman as an attempt by the requester to re-litigate already long concluded matters. Such an exercise was an abuse of the right to make a request or complaint under the LGOIMA, and therefore vexatious. The Chief Ombudsman declined to investigate the complaint under section 17(1)(d) of the Ombudsmen Act.

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.