

Council could refuse LGOIMA requests as an abuse of the right to request information

Legislation	Local Government Official Information and Meetings Act 1987, s 17(h)
Agency	A local authority
Ombudsman	John Allen
Case number(s)	024643
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A series of information requests were made to a Council over six weeks in the context of an ongoing dispute and court proceedings—Chief Ombudsman of the opinion these requests could be refused under section 17(h) of the Local Government Official Information and Meetings Act 1987 (LGOIMA)—taken together, and in the context of surrounding behaviour, the requests were an abuse of the right to request information

Background

For a number of years, the complainant had been engaged in disputes with a Council (the Council), including court proceedings. The Council had imposed communication restrictions on the complainant.

Over a six week period in 2025, the complainant made nine LGOIMA requests to the Council, with 36 subparts.

The Council refused these requests under section 17(h) of the LGOIMA.

The complainant made a complaint to the Chief Ombudsman about the Council's decision to refuse the requests under section 17(h).

The complainant said the Council had previously responded to their information requests in full over a number of years. They had been making requests in good faith and to expose 'corrupt practices' at the Council and to 'defend democracy and accountability'. The complainant was also concerned they had been restricted to a single point of contact for communications with the Council, and this was limiting their ability to obtain information.

Investigation

Section 17(h) of the LGOIMA says an agency may refuse a request if it is frivolous or vexatious, or it seeks trivial information.

In his investigation, the Ombudsman considered the history and context of the requests, the intention and purpose of the requests, the administrative demands of the requests, and the effect on staff.

The Ombudsman did not look at each request in isolation. His opinion was based on the collective requests. A request is more likely to be considered frivolous or vexatious if it is set against a background of long and complex correspondence and requests, that have collectively taken a lot of time and resources to address, and had a significant impact on staff and the agency's other operations.

History and context of the requests

The complainant's court proceedings with the Council had involved multiple rounds of civil disclosure, and there had been ongoing interactions by the complainant with the Council.

Under its *Unreasonable Complainant Conduct policy*, the Council restricted the complainant to a single point of contact for communications with the Council. The Council stated this was due to *'high volume, and the manner of, communication, along with a refusal to accept Council decisions and responses, and the progression of unfounded allegations about staff'*. The former Chief Ombudsman investigated a complaint about this restriction on access, and formed the opinion the Council's decision was not unreasonable or unfair.

The nine LGOIMA requests to the Council that were refused under section 17(h) included 36 subparts. The Council also said many of the requests were not requests for official information but rather were asking the Council to create information to provide explanation or justification.

The Ombudsman was satisfied the Council could give the history and context of the requests significant weight in refusing them as vexatious, given the volume and subject matter of the requests and the ongoing court proceedings.

Intention and purpose of the requests

The Ombudsman considered the complainant had made the requests to further their dispute with the Council. The complainant's relationship with the Council had broken down and it was apparent from the complainant's communications that they had no trust in the Council.

While using the LGOIMA is a legitimate means to obtain information relating to a dispute with an agency, the Ombudsman was concerned the requests in this case had gone beyond simply seeking information from the Council. They were instead being used a mechanism to make the Council continue to engage.

The complainant was contacting the Council with escalating frequency and in a variety of ways beyond the nominated single point of contact. This included delivering communications to personal addresses, sending identical LGOIMA requests individually to each elected member of the Council, and making complex requests with many attempting to cross-examine the Council rather than seeking information it held.

There was also a pattern of the complainant submitting a LGOIMA request to the Council for information relating to any decision or communication made by the Council. The Council also said the complainant had made multiple requests that were repetitive or reworded variations of previous requests, despite already receiving responses to these via LGOIMA requests or discovery processes.

The Ombudsman considered the complainant was inappropriately using the LGOIMA to pursue their dispute with the Council. The Ombudsman was satisfied the intention behind the requests was to apply pressure to the Council, and the requests had gone far beyond a reasonable use of the LGOIMA. The appropriate avenue for the complainant to pursue their concerns was through the court proceedings that were underway.

Administrative demand and effect on Council staff

The Ombudsman considered the requests had a significant effect on the Council.

The Council had committed significant resources to answering previous requests. This involved multiple and extensive searches for documents and communications. The Council said it had received 103 engagements from the complainant in one year, with these mainly being complaints or LGOIMA requests.

The Council had attempted to manage the complainant's behaviour through restrictions on access, but this had not worked.

The Council also advised the complainant had displayed behaviour that had resulted in it notifying the Police. This included:

- making advances on staff in their personal spaces;
- including apparently threatening language in letters;
- entering a property and speaking directly to the family member of an elected member of the Council; and
- publishing a staff member's personal home address on social media.

The Council was concerned the requests raised health and safety concerns for staff. This was demonstrated by the complainant's tendency to focus on individual staff and elected members.

The Ombudsman considered the Council's concerns were completely understandable. The manner and intensity in which the complainant had pursued their disputes crossed the line.

Outcome

The Ombudsman considered the significant volume and nature of the complainant's LGOIMA requests and complaints had required significant Council effort to address. The Ombudsman was satisfied that both the particular requests complained about and the broader pattern of requests was vexatious. The way in which the complainant made the requests and targeted individuals at the Council supported this conclusion.

The LGOIMA provides for people to request information which is already held by an agency—it is not a device for interrogation of an agency. Court proceedings were the proper channel for the complainant to pursue their disputes.

The Council had substantively responded to many LGOIMA requests from the complainant over a long period of time and had a plan for considering other requests for official information where appropriate. The Ombudsman considered the Council had been measured in its use of section 17(h).

Overall, the Ombudsman considered the nine requests that had been refused were an abuse of the right to request official information. This was due to the nature and frequency of the requests, the intention behind them, and the way in which the complainant conducted themselves.

The Ombudsman formed the opinion the Council could refuse these requests under section 17(h) of the LGOIMA.

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