

Multiple and extensive OIA requests to IRD 'vexatious'

Legislation	Official Information Act 1982, section 18(h)
Agency	Inland Revenue Department
Ombudsman	Peter Boshier
Case number(s)	013660 and 013657
Date	November 2024

Complaint about Inland Revenue Department (IRD) decision to refuse requests under section 18(h) of the Official Information Act 1982 (OIA)—Complainant made a large number of requests over a couple of years—Chief Ombudsman formed the opinion that IRD could refuse some of these requests under section 18(h) on the basis they were vexatious

Background

The complainant had a long-standing grievance against IRD about the administration of a student loan. The complainant had raised these concerns with the Chief Ombudsman. The Ombudsman investigated that particular complaint and formed the opinion that IRD had not acted unreasonably in handling the student loan.

The complainant also made more than 20 OIA requests to IRD over a couple of years, and IRD had responded. However, IRD then refused some requests under section 18(h).

The complainant asked the Ombudsman to investigate and review IRD's decision.

Investigation

Section 18(h) of the OIA says an agency may refuse a request if it is frivolous or vexatious, or it seeks trivial information.

The complainant's information requests mainly related to IRD's handling of the student loan. Later requests however extended beyond this.

The Ombudsman reviewed all of the complainant's requests and responses and considered that IRD had consistently and appropriately responded to the OIA requests until it ultimately decided to refuse later requests under section 18(h).

The Ombudsman noted it was perfectly legitimate to pursue a grievance or dispute with an agency, including by requesting official information under the OIA. However, in this case, the Ombudsman considered the complainant's pursuit of their grievance had gone beyond what was reasonable—becoming excessive or disproportionate.

The individual requests by themselves were not necessarily 'vexatious'. However, the extensive volume of information requests over a period of time—which required significant IRD staff effort to respond to—compounded with increasingly tenuous links to the complainant's original concern, resulted in the agency's overall, and not unreasonable, conclusion that the pattern of requests were vexatious. The information requested did not appear to be necessary to support continued engagement with IRD about the original matter of concern. The Ombudsman also noted he had previously concluded IRD did not act unreasonably in relation to the student loan.

Outcome

The Ombudsman considered the complainant's numerous and extensive requests for information had become vexatious.

The Ombudsman formed the opinion that IRD could refuse the requests it did under section 18(h) of the OIA.

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