



GIG
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Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board

Cadeirydd/Chair: **Emma Woollett**
Prif Weithredwr/Chief Executive: **Mark Hackett**

gofalu am ein gilydd, cydweithio, gwella bob amser
caring for each other, working together, always improving

Rydym yn croesawu gohebiaeth yn y Gymraeg neu'r Saesneg. Atebir gohebiaeth Gymraeg yn y Gymraeg, ac ni fydd hyn yn arwain at oedi.
We welcome correspondence in Welsh or English. Welsh language correspondence will be replied to in Welsh, and this will not lead to a delay.

Cais Rhyddid Gwybodaeth / Freedom of Information request **Ein Cvf / Our Ref: 23-C-014**

Since September 2020, we have received 19 FOIA requests from you in relation to children and maternity services and your current correspondence dated 9th March 2023 is as follows:

Please release a copy of the IG Breach log. It is referenced, in the audit report on the information governance failings.

The Health Board has responded fully to previous responses despite the burden this has placed on staff and it is now reasonable to consider Section 14(1) as it is unable to sustain this level of disruption and this latest request is therefore considered to be a vexatious request.

Section 14 of the Freedom of Information Act makes it clear that a public body is not obliged to respond to a request if it is vexatious.

In taking this stance, the Health Board has relied upon the guidance issued by the ICO which I have detailed below for your information.

http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/dealing-with-repeat-requests.ashx

http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/dealing-with-vexatious-requests.ashx

The Health Board has considered decision notices produced by the ICO when coming to this conclusion and in particular - *Information Commissioner v Devon CC & Dransfield (GIA/3037/2011)*. In this case, the Tribunal considered four broad areas in deciding whether a request is vexatious:

- (1) The burden imposed by the request (on the public authority and its staff);
- (2) The motive of the requester;
- (3) The value or serious purpose of the request and
- (4) Harassment or distress of and to staff.



Pencadlys BIP Bae Abertawe, Un Porthfa Talbot, Port Talbot, SA12 7BR / Swansea Bay UHB Headquarters, One Talbot Gateway, Port Talbot, SA12 7BR

Bwrdd Iechyd Prifysgol Bae Abertawe yw enw gweithredu Bwrdd Iechyd Lleol Prifysgol Bae Abertawe
Swansea Bay University Health Board is the operational name of Swansea Bay University Local Health Board

The Commissioner has also identified 'indicators' which may be useful, in brief these are: Abusive or aggressive language, burden on the authority, personal grudges, unreasonable persistence, unfounded accusations, intrusiveness, frequent or overlapping requests, scattergun approach, disproportionate effort etc.

We have considered the requests and correspondence you have sent the Health Board since September 2020 to date, and your requests have generated a lot of work in trying to gather this information.

Burden on the authority

The Health Board in considering a Section 14 has taken into account your previous interaction with the Board when making a determination of whether the requests represent a significant burden.

This means that even if the request appears reasonable in isolation, it may be vexatious if it demonstrates a continuation of behaviour, which is obsessive and/or represents a significant burden when considered collectively.

Abusive or aggressive language

Also, your email appealing/complaining about the Health Boards FOIA response (23-A-046), used a tone and particular language which goes beyond the level of criticism that a public authority or its employees should reasonably expect to receive – *'Apologies Hazel, are you suggesting that the number of babies butchered / harmed / injured by Kinza Younas is 'personal information'? If so then that is clearly absurd'*.

In the case of *Welsh v ICO* it stated that 'in most cases, the vexatious nature of a request will only emerge after considering the request in its context and background. As part of that context, the identity of the requester and past dealings with the public authority can be taken into account'.

We are aware that the various complaints and allegations you have made, have been extensively investigated at all levels and you have been provided with replies from the appropriate directorates. You have persisted with your correspondence and enquiries to the point where the Health Board must now advise you that it will not enter into any more correspondence concerning Freedom of Information requests and is refusing your request for information under Section 14(1) of the FOIA.

