

Environmental Information Regulations – Response - 26839

I write to express my total and utter anger at your dismissive attitude which has resulted in Fen Lane, Earl Stonham being closed indefinitely.

The subsidence has been happening over recent winters and you have been aware of this issue for a long time because the problem has been raised many times, especially on numerous occasions by the Parish Council. But you chose to ignore the problem stating there was no issue!! You have now been proven wrong and because you dismissed local people there is no plan in place to correct the problem causing enormous headaches for local residents that you are supposed to serve.

If you hadn't allowed such a fuck up to happen on the A1088 Stowlangtoft bridge, there would have been ample money to prevent this closure. But you sit there in your fully heated/ air conditioned offices paid for by us tax payers and throw our money away because you don't have a clue what's going on on the ground, or how to hold your contractors accountable.

I now make a Freedom of Information request regarding this issue and I request you send me ALL and FULL reports made by you on all site visits and subsequent meetings and decisions including the names of all people involved in those reports.

We have considered your request under the Environmental Information Regulations 2004 (EIR). After careful assessment, we are refusing it under Regulation 12(4)(b) on the grounds that it is manifestly unreasonable.

The ICO's guidance states that Regulation 12(4)(b) may be applied where a request is vexatious, and that "manifestly unreasonable" has essentially the same meaning as vexatious under the Freedom of Information Act. The word "manifestly" requires a clear or obvious quality to the unreasonableness and the exception exists to protect public authorities from a manifestly unjustified, inappropriate or improper use of the EIR. The key question is whether the request is likely to cause a disproportionate burden or an unjustified level of distress, disruption or irritation.

The ICO's guidance also explains that a request may be considered vexatious if it causes distress, disruption or irritation without any proper or justified cause. Factors that can be considered include the burden on the authority, the motive behind the request, the value or seriousness of the request and any harassment or distress caused to staff.

In this case, the language and tone used within the correspondence are hostile and directed towards staff. According to the ICO this can contribute to a request being manifestly unreasonable where it results in an unjustified level of distress to staff or has the effect of harassment.

As Regulation 12(4)(b) is subject to the public interest test we are required to consider whether, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosure.

Public interest in favour of disclosure

- The ICO states that there is a strong public interest in transparency and accountability in how public authorities make decisions and manage public resources.
- Disclosure of environmental information contributes to openness and allows the public to understand matters that may affect their local environment.

Public interest in maintaining the exception

- The ICO's guidance states that the purpose of Regulation 12(4)(b) is to protect public authorities from requests that represent a manifestly unjustified, inappropriate or improper use of the EIR.
- The ICO also confirms that requests which result in distress or harassment of staff may be considered vexatious and may properly engage Regulation 12(4)(b).
- The language and tone used in this case create an unjustified level of distress and disruption to staff which the ICO identifies as a valid ground for considering a request manifestly unreasonable.
- Allowing such wording to progress unchallenged may encourage improper use of the EIR and could deter staff from engaging constructively with future requests, which the ICO guidance identifies as a legitimate concern when applying this exception.

While there is some public interest in the disclosure of environmental information, on balance the public interest in maintaining Regulation 12(4)(b) outweighs the public interest in disclosure in this case. The level of hostility and the impact on staff are sufficient to make the request manifestly unreasonable according to the ICO's criteria.

Advice and Assistance

Although we are refusing this specific request, we remain committed to providing advice and assistance. The ICO expects authorities to offer appropriate support even when applying Regulation 12(4)(b).

If you would like to resubmit your request using neutral and focused language, we will be happy to consider it.