

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 29 August 2025

**Public Authority:** Chief Constable of Gwent Police  
**Address:** Headquarters  
Croesyceiliog  
Cwmbran  
NP44 2XJ

#### **Decision (including any steps ordered)**

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1. The complainant requested information about the weeding of Police National Computer Lost or Stolen records for stolen and lost vehicles. Gwent Police relied on section 14(1) of FOIA (vexatious request) to refuse the request.
2. The Commissioner's decision is that the request was not vexatious and therefore Gwent Police was not entitled to rely upon section 14(1) of FOIA to refuse it. The Commissioner has also found that, on the balance of probabilities, Gwent Police did not provide all of the information held falling within scope of the complainant's request.
3. The Commissioner requires Gwent Police to take the following step to ensure compliance with the legislation:
  - Issue a fresh response to the complainant's request of 11 December 2024 that does not rely on section 14(1) of FOIA.
4. Gwent Police must take this step within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Request and response

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5. On 11 December 2024, the complainant wrote to Gwent Police via What Do they know<sup>1</sup> and requested information in the following terms:

“At, or about, the beginning of November 2024, the NPCC issued a communication to constabularies about weeding PNC LoS records.

The information I am seeking is:

1. Your contact with the NPCC about weeding, since 01/01/2024, to the date of the NPCC communication
  2. A copy of the communication issued by the NPCC (at or about the beginning of 11/2024)
  3. The subsequent exchanges between your constabulary and the NPCC about the communication; feedback, clarification etc.
  4. The action your constabulary has taken regarding weeding, following the NPCC communication.
- On 9 January 2025 Gwent Police responded to the request. It confirmed that it had received a circular on 7 November 2024 titled “Vehicle Crime: Recording of All Stolen Vehicle Reports via the Police National Computer” which was circulated to the Information Services Dept (Firearms Licensing Unit) on 11 November 2024.
  - In relation to part 2 of the request, it provided a cut and paste copy of the National Police Chiefs’ Council (NPCC) communication of 11 November 2024 to the complainant.
  - In relation to part 3 of the request, it stated that there had been no further contact between NPCC and the Firearms Licensing Unit and Gwent Police.
  - In relation to part 4 of the request, Gwent Police confirmed that it sent an email to the Chief Officer Executive Support Team on 11 November 2024 in response to the NPCC circular, acknowledging that an issue

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<sup>1</sup> [11/2024 NPCC weeding communication - a Freedom of Information request to Gwent Police - WhatDoTheyKnow](#)

had been identified with Lost or Stolen vehicle reports which had now been resolved. It stated:

“This concerned the creation of ‘unconfirmed’ reports within the Force Control Room out of hours, and subsequent PNCB notifications being omitted, resulting in stolen reports dropping off after 42 days. As of 14th October, FCR Operators record the vehicle on as ‘confirmed’ from the offset. If the vehicle has since been found, PNCB remove the stolen report. This revised process is more efficient and ensures that there are no gaps in terms of the management of Lost/Stolen markers. This went live on 14th Oct as FCR Operators required up-skilling.”

6. The complainant sought an internal review of Gwent Police’s handling of the request on 10 January 2025 as follows:

“• A. Gwent internal information of 14 October 2024 relating to FCR upskilling and recording of vehicles , please supply this

- 11/2024 (07/11/2024) NPCC communication to all Chief Constables of

I no longer require the actual NPCC communication/circular 7 November 2024 to all Chief Constables which could/should have been disclosed as opposed to the text.

- 11/11/2024 Gwent send email to the Chief Officer Executive Support Team in response to NPCC circular, acknowledging that an issue had been identified with Lost/Stolen vehicle reports.

B. I have yet to be provided this email, please supply this.

C. Please clarify what is meant by ‘Chief Officer Executive Support Team’; is this a Gwent team or does it relate to the NPCC?

Regarding the NPCC statements:

i. Once confirmed, the vehicle will be marked as "Confirmed stolen" on the PNC and the DVLA updated to reflect the vehicle status.

ii. Until the report is confirmed the DVLA at Swansea are not notified of the theft. Any activity on the DVLA record of the vehicle in question would not be referred to Police for investigation during this time.

C. What information do you possess about this; is this your understanding of the process? \*

\*PNC User manual v 20.01 appears to support this situation however, para 9.7 could be read that only confirmed reports result in a RFA in the event of licensing or change of keeper transaction for that vehicle.

Note:

If, as is indicated by the all chief constables circular, a PNC LoS marker is not conveyed to DVLA until 'confirmed', the concerns associated with weeding appear to be greater. However, I note Gwent has (manually) prevented weeding by immediately 'confirming' all LoS reports.

As the NPCC appear to be seeking confirmation within 24 hours, I again ask that the issue is escalated; cease weeding altogether, automatically 'confirm' LoS reports (or remove the requirement to do so) at the point of adding the LoS marker to PNC"

7. On 10 January 2025, Gwent Police responded to the request for a review. It refused to disclose any further information or respond to future submissions requesting the same or similar information, citing section 14(1) of FOIA as its reason for doing so. Gwent Police stated.

"We have decided to engage the below in relation to this request:

1. By submitting the large number of requests over a relatively short period of time, this has now become a burden on the authority. Gwent Police is a small organisation with limited staff and resources to enable us to answer a large number of requests.

2. In relation to the "number, breadth, pattern and duration of previous requests", I think this has now become a 'fishing exercise' for information that has no real value or serious purpose."

## **Reasons for decision**

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### **Section 14(1) – vexatious requests**

8. The following analysis considers whether the request was vexatious.
9. Section 14(1) of FOIA states that a public authority is not obliged to comply with a request for information if the request is vexatious.

10. The word "vexatious" is not defined in FOIA. However, as the Commissioner's updated guidance on section 14(1)<sup>2</sup> states, it is established that section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation, or distress.
11. FOIA gives individuals a greater right of access to official information in order to make bodies more transparent and accountable. As such, it is an important constitutional right. Therefore, engaging section 14(1) is a high hurdle.
12. However, the ICO recognises that dealing with unreasonable requests can strain resources and get in the way of delivering mainstream services or answering legitimate requests. These requests can also damage the reputation of the legislation itself.
13. The emphasis on protecting public authorities' resources from unreasonable requests was acknowledged by the Upper Tribunal (UT) in the leading case on section 14(1), *Information Commissioner vs Devon County Council & Dransfield* [2012] UKUT 440 (AAC), (28 January 2013) ("Dransfield")<sup>3</sup>. Although the case was subsequently appealed to the Court of Appeal, the UT's general guidance was supported, and established the Commissioner's approach.
14. The four broad themes considered by the Upper Tribunal in *Dransfield* were:
  - the burden (on the public authority and its staff)
  - the motive (of the requester)
  - the value or serious purpose (of the request); and
  - any harassment or distress (of and to staff).
15. However, the UT emphasised that these four broad themes are not a checklist and are not exhaustive. It stated:

"all the circumstances need to be considered in reaching what is ultimately a value judgement as to whether the request in issue is

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<sup>2</sup> <https://ico.org.uk/for-organisations/dealing-with-vexatious-requests-section-14/>

<sup>3</sup> <https://administrativeappeals.decisions.tribunals.gov.uk/Aspx/view.aspx?id=3680>

vexatious in the sense of being a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA" (paragraph 82).

### **The complainants View**

16. The complainant explained to the Commissioner that the purpose of the requests was to obtain information to enable him to contribute to a website providing information on vehicle theft, "a crime that is on the increase intending to further ideas of how to address the problem – one facet of which is the weeding issue, a process I believe to be archaic and should cease."

17. The complainant further stated

"the information sought would be of value to the public as evidenced by the involvement of the NPCC - who have ignored my direct approaches

The information is not 'trivial'? The matter being pursued relates to a national issue that I believe is adversely affect vehicle criminal investigation and information. It appears this is accepted by the NPCC to whom I wrote, who had not responded to me but appear to have taken my writing on board – it appears my approaches gave rise to their 07/11/2024 circular to all chief constable which can be read here; <https://carcrime.uk/241107-all-chief-constables-circular-re-weeding/>"

### **Gwent Police's view**

18. In its submissions to the Commissioner, Gwent Police has drawn the Commissioner's attention to eight requests (this includes requests, internal review, and additional questions they have received from the complainant on the processes in place to weed information about lost and stolen vehicles on the Police National Computer over a seven month period).

19. Gwent Police explained that in some cases the requests for information have overlapped as the complainant

- has not waited for the internal review response before submitting a new request, or requested a second internal review where he is dissatisfied with the internal review response received
- has consistently requested further information or argued a point which was not within the scope of the original request in the internal review rather than making a new and separate request.

20. The position of Gwent Police is that it considers the persistent requests to be vexatious as they are causing a disproportionate and

unjustifiable level of distress, disruption, irritation, and pressure on its limited resources stating

“(name redacted) has contacted various other departments within the Force seeking the same information. Many of these requests still fall under our department, Information Services, thus placing additional strain on our already limited resources. This includes PSD correspondence and a complaint, emails to the PNC Manager and a request to Data protection for a subject access request followed by a complaint. Our team has become overwhelmed by the sheer volume of requests received in quick succession. As soon as we respond to one request, (name redacted) quickly follows up with further questions. Additionally, we have received similar requests even before we had the opportunity to respond to the previous ones.”

21. Additionally, Gwent Police considers that the complainant seeks to re-open matters on a subject matter which it now believes has been conclusively resolved stating,

“While the subject of his enquiries is undoubtedly in the public interest, it is crucial to understand that the Force had already recognised the error and was in the process of amending the way it handles stolen vehicles on PNC prior to his request.”

### **The Commissioner’s decision**

22. In cases where a public authority is relying on section 14(1), it is for the public authority to demonstrate why it considers that a request is a disproportionate, manifestly unjustified, inappropriate, or improper use of FOIA.
23. As set out above, section 14(1) is designed to protect public authorities by allowing them to refuse to comply with any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation, or distress.
24. This will usually involve weighing the evidence about the impact on the authority and balancing this against the purpose and value of the request. This should be judged as objectively as possible; in other words, would a reasonable person think that the purpose and value are enough to justify the impact on the public authority.
25. Applying section 14(1) essentially removes the right of access by the requester to the requested information. The Commissioner therefore considers that the threshold to meet this is a necessarily high one. He expects public authorities to provide detailed explanations and justification regarding why it considers the request is vexatious.

26. In this case, the Commissioner is mindful that the complainant has sent in eight requests to Gwent Police over a relatively short timeframe of seven months in relation to this particular matter. Gwent Police has provided the Commissioner with the dates and summaries of the requests and details of other What Do they know requests, which were for the same or similar material.<sup>4</sup>
27. Having reviewed the correspondence and supporting arguments and history of the complainant's overall dealings with Gwent Police, the Commissioner considers this to be a finely balanced case. However, he does not consider that Gwent Police has sufficiently demonstrated a significant level of disruption, irritation, or distress to its resources in dealing with request.
28. The commissioner acknowledges the complainant's persistence in seeking further information and extending the scope of the request rather than submitting new requests, duplicating internal reviews due to dissatisfaction with the responses received and 'overlapping' requests. However, he does not consider that Gwent Police has sufficiently demonstrated the grossly oppressive burden of the request or supported the lack of value and purpose to the requests on a matter it now considers resolved and where there is perhaps no further information available.
29. Regarding the question of 'overlapping' and the frequency of requests, the Commissioner is not persuaded by Gwent Police's arguments. Whilst there may be some overlap, the actual numbers of FOI requests are minimal relating to three separate requests over the seven month period. Additionally, Gwent Police failed to provide the Commissioner with other supporting information relevant to the complainant's other requests that were dealt with by the Information Team.
30. The Commissioner also considers that it was reasonable for the complainant to request an internal review as Gwent Police did not fully address the scope of the request in its initial response.
31. Whilst Gwent Police provided the complainant with some information within the scope of their request, it failed to provide a copy of the email of 11 November 2024 issued to the Chief Officer Executive

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<sup>4</sup> [Vehicle Theft - PNC LoS Weeding - a Freedom of Information request to Gwent Police - WhatDoTheyKnow](#)

Support Team in response to NPCC circular which would fall within the scope of the complainant's request at parts 2 and 4.

32. Therefore, the Commissioner has found that section 14(1) isn't engaged in this particular case because it was not vexatious. However, he considers each case on a case by case basis, and he may reach a different conclusion if a similar complaint were to come to him in the future especially considering that the weeding problems now appear to be resolved, and the public interest in this matter would be diminished.
33. Gwent Police must now issue a fresh response to the request and either provide all of the information held or issue a valid refusal notice. This should take into account the comments provided by the complainant in their internal review request at point A and B.

## **Right of appeal**

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34. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
General Regulatory Chamber  
PO Box 11230  
Leicester  
LE1 8FQ

Tel: 0203 936 8963  
Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

35. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
36. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Cressida Woodall**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
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**SK9 5AF**