

By email only to janne.olv.larsson@telia.com

Wednesday 25 March 2009

Dear Mr Larsson

REF: FOI 09/001 and FOI 09/013

I am writing to you in connection with the FOIA requests quoted above. We have decided that these requests are "vexatious" within the meaning of Section 14 of the Act and, consequently, we will not be providing an answer to them.

Section 14 of the Act states:

"14. – (1) Section 1

(1) Does not oblige a public authority to comply with a request for information if the request is vexatious.

(2) Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request."

Guidance from the Information Commissioner's Office gives us the following definition:-

"While giving maximum support to individuals genuinely seeking to exercise the right to know, the Commissioner's general approach is that a request (which may be the latest in a series of requests) can be treated as vexatious where:

- It would impose a significant burden on the public authority in terms of expense or distraction; and meets at least one of the following criteria.
- It clearly does not have any serious purpose or value
- It is designed to cause disruption or annoyance
- It has the effect of harassing the public authority
- It can otherwise fairly be characterised as obsessive or manifestly unreasonable."

Your communications now clearly have the "effect of harassing the public authority" in that our staff are being diverted from other work in order to provide you with information, and in subsequently addressing your numerous supplementary questions. Your communications also appear to us to satisfy the final requirement in the Commissioner's list, that they can be "fairly be characterised as obsessive or manifestly unreasonable". An earlier decision by the Commissioner (BBC - Case No. FS50086298) helpfully clarifies this interpretation, where it states in the analysis that:

"...it can be characterised as obsessive at the point where it appears that there is no outcome within the realms of realistic possibility that is likely to satisfy the complainant.

Where a series of requests can be characterised as obsessive, as is the case here, it is appropriate to refuse these requests under section 14 as vexatious."

Up to this juncture you have submitted 21 formal FOI requests and generated an unquantified number of additional email communications associated with them, involving Agency staff over a considerable period of time. These communications are repetitive, covering effectively the same issues over and over again seemingly in the hopes of obtaining the answers you want to receive as opposed to the answers we are able to give you. Therefore, it does not seem to us to be "within the realms of realistic possibility" that we are going to be able to give you an outcome likely to satisfy you.

Therefore, we now consider that we have provided you with information that makes it clear how we regulate all medicines including Strattera and the appropriate steps we continue to take to ensure Strattera is monitored appropriately. We will not engage in any further correspondence with you on Strattera. In future, we will not respond to any requests where we consider the answer has already been provided – such requests will be deemed vexatious and we will also not enter into any dialogue that requires us to speculate, or give opinions that are not clearly informed and underpinned by information we actually hold.

If you have a query about this letter, please contact me. If you are unhappy with our decision, you may ask for it to be reviewed. That review will be undertaken by a senior member of the Agency who has not previously been involved in your request. If you wish to pursue that option please write to the Communications Directorate, 10th Floor, Medicines and Healthcare products Regulatory Agency, at the above address quoting the above reference.

After that, if you remain dissatisfied, you may ask the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

to make a decision on whether or not we have interpreted the FOIA correctly in withholding information from you.

Yours sincerely

Stephen Fawbert

Mr Stephen Fawbert
Freedom of Information Coordinator
Vigilance and Risk Management of Medicines Division