



Repeated requests and unreasonable conduct

From time to time, an agency may be required to deal with an applicant who the agency considers is making unreasonable demands, such as repeated requests for the same or similar documents.

Such applications cannot be simply ignored. Agencies are under a duty to assist applicants to obtain access to documents ([section 4](#)). However, there is also an obligation on an applicant not to make unreasonable demands on the resources of an agency. An element of reasonableness must be implied if the legislation is to work satisfactorily.

Repeated requests

Sometimes an applicant will apply to an agency for the same documents to which access has previously been refused, particularly if the applicant believes that the law or the policy or the agency's position in respect of certain types of documents may have changed. There is nothing in the FOI Act to prevent an applicant from doing this.

Agencies do not have the power to make a decision that an application or an applicant is vexatious, nor can they refuse to deal with an application under the FOI Act except as permitted under section 20.

Dealing with difficult behaviour

The WA Ombudsman has produced a [guide](#) to dealing with unreasonable complainant conduct. That guide may give some assistance for dealing with applicant behaviours that have the potential to be an unreasonable draw on agency resources. The Ombudsman guide does not override the provisions of the FOI Act.

If you have any general enquiries about the FOI process, please see our website or contact our office.

Note: This Information Sheet is intended as a general guide only and should not be viewed as legal advice. The Information Commissioner considers each complaint on its merits and according to the relevant circumstances.

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