



The Centre for Freedom of Information is a joint venture between the School of Law, University of Dundee and the Scottish Information Commissioner.

**Autumn 2010 PROGRAMME**  
**FREEDOM OF INFORMATION:**  
**DEALING WITH VEXATIOUS REQUESTS**  
**WEDNESDAY 17 NOVEMBER 2010**

**Lecture Theatre 4, Dalhousie Building, Smalls Wynd, University of Dundee DDI 4HN**

- 13:00**                    **Lunch – served in the Upper Gallery**
- 14:00**                    Welcome and general introduction from Chair  
**Kevin Dunion, Scottish Information Commissioner**
- 14:05**                    What is 'vexatious' – the legal perspectives  
**Eugene Creally, Advocate**
- 14:30**                    Vexatious requests – reflecting on the Commissioner's decisions  
**Maurice Frankel, Director, Campaign for FOI**
- 15:00**                    Dealing with challenging behaviour in the complaints process  
**Valerie Malloch, Scottish Public Services Ombudsman**
- 15:30**                    Panel discussion
- 15:55**                    Round up and Close  
**Chair**

## About the speakers:

### **Eugene Creally, Advocate, Ampersand**

Eugene Creally has practised widely in various areas of the law since calling to the Bar in 1993. These include reparation, professional and medical negligence, European law, commercial contracts, company and insolvency litigation, agricultural law, construction contracts and arbitration. As a Standing Junior Counsel to the Scottish Ministers, he has gained considerable experience in administrative and public law areas such as mental health, education, Town & Country planning and local government. He also provided advice and representation to the Advocate General in immigration and Director Disqualification cases. Eugene spent two years working as a solicitor in Edinburgh and Glasgow and has been 15 years at the Bar. He has appeared in the European Court of Justice, the Court of Session (both in the Outer and Inner House), the Sheriff Court and various tribunals.

### **Maurice Frankel, Director, Campaign for FOI**

Maurice Frankel has worked with the Campaign for Freedom of Information since it was set up in 1984, and its Director since 1987. He was involved with the FOI and FOI (Scotland) Acts since their inception - making the case for legislation, improving the bills during their Parliamentary passage, monitoring and advising on their use and training requesters and public authorities. He is a member of both the Ministry of Justice's and the Information Tribunal's Information Rights User Groups. He was one of the Commonwealth Group of Experts whose FOI Principles were adopted by Commonwealth Law Ministers in 1999. He drafted the successful private members' bills which became the Access to Personal Files Act 1987, the Access to Medical Reports Act 1988, the Environment and Safety Information Act 1988 and the Access to Health Records Act 1990. Maurice will comment on what he thinks are the most significant decisions from the Scottish Information Commissioner which relate to vexatious or repeated requests.

### **Valerie Malloch, Scottish Public Services Ombudsman**

Valerie has been a Complaints Reviewer with the Scottish Public Services Ombudsman for over 4 years. She is a member of the SPSO's training unit and is currently mainly involved in providing policy and research support to the SPSO. Valerie has just completed a review of the SPSO's Unacceptable Actions Policy. Her previous experience includes time in academic research and the private sector. Valerie will share SPSO's thinking on how to tackle challenging behaviour during the complaints process, which may include circumstances where individuals seek to exercise their FOI right as part of that process.

## About the Chair and Co-Directors:

### **Chair - Kevin Dunion, Scottish Information Commissioner**

Kevin Dunion is Scotland's first Information Commissioner. Since the Freedom of Information Act came into effect in Scotland in 2005, he has published over 1,000 formal decisions. The Scottish experience is proving of interest to other jurisdictions and in particular he has been directly involved in projects in Jamaica (with the Carter Center) and Malawi (with the British Council and Scottish Government). In 2008, Kevin was elected Rector of the University of St Andrews for 3 years. Prior to becoming Commissioner, Kevin Dunion was head of Friends of the Earth. He is the author of a number of books and articles, and is currently researching a forthcoming publication on enforcing freedom of information rights.

### **Professor Alan Page, Dean, School of Law, University of Dundee**

Alan Page was appointed Professor of Public Law in Dundee School of Law in 1985. He was appointed Dean in 2006, having been Head of the Department of Law, Dean of the Faculty of Law and Head of the Department of Public Law. He has acted as a specialist adviser: to the Scottish Parliament's Subordinate Legislation Committee (2004-06), the House of Lords and House of Commons Joint Committee on Financial Services and Markets (1998-99), and the House of Commons Select Committee on Scottish Affairs (1993-97); and to the EU, the Organisation for Security and Cooperation in Europe, and the UN. He is an Honorary Fellow of the Society of Advanced Legal Studies and an Honorary Senior Research Fellow at the Constitution Unit, University College London.

## About the Centre for Freedom of Information

The Centre for Freedom of Information was established in February 2009 as a joint venture between Dundee Law School, University of Dundee and the Scottish Information Commissioner. Our aim is to provide conceptual space to reflect on and discuss current FOI issues and practice. We will build the Centre to become a central point for the development of research into FOI issues, and provide opportunities to transfer knowledge and gain further learning, with access to expertise from specialists in constitutional and civil law, FOI practitioners and the Commissioner's office.



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**How to register to attend this seminar**

**FREEDOM OF INFORMATION – DEALING WITH VEXATIOUS REQUESTS**

**2PM – 4PM (preceded by lunch at 1pm)**

**WEDNESDAY 17 NOVEMBER 2010**

**Lecture Theatre 4, Dalhousie Building, Smalls Wynd, University of Dundee  
DDI 4HN**

Name \_\_\_\_\_  
Organisation \_\_\_\_\_  
Address \_\_\_\_\_  
(for invoice if applicable) \_\_\_\_\_  
Tel \_\_\_\_\_  
Email \_\_\_\_\_  
Purchase Order Number \_\_\_\_\_  
(if known) \_\_\_\_\_

*All cheques made payable to University of Dundee*

- I will attend the seminar only – I enclose a cheque for £17.00
- I will attend the seminar and lunch - I enclose a cheque for £25.00
- I will attend the seminar only - I enclose a Purchase Order No
- I will attend the seminar and lunch – I enclose a Purchase Order No
- I will attend the seminar and lunch and enclose a cheque for £10.00\*

*\*special reduced rate for unwaged, students and voluntary organisations*

*Completed forms to be returned to:*

**Ms D Hendry, School of Law, Dundee University, Dundee, DDI 4HN or via email to: [centrefoi@dundee.ac.uk](mailto:centrefoi@dundee.ac.uk) by Wednesday 10 November 2010 (please note that early booking is advised).**