

IN THE UPPER TRIBUNAL
Administrative Appeals Chamber
Judge: P L Howell QC



File No: GLA 2877/10

TRIBUNALS, COURTS AND ENFORCEMENT ACT 2007
Tribunal Procedure (Upper Tribunal) Rules 2008 SI No 2698
FREEDOM OF INFORMATION ACT 2000

**APPLICATION FOR PERMISSION TO APPEAL FROM DECISION OF FIRST-TIER
TRIBUNAL**

<i>Applicant:</i>	Michael J Cole
<i>Respondent below:</i>	Information Commissioner
<i>First-tier Tribunal:</i>	Information Rights
<i>Tribunal case ref:</i>	EA/2010/0071
<i>Decision dated:</i>	31 August 2010

NOTICE OF DETERMINATION OF APPLICATION

I accept this application for consideration and determination notwithstanding that it was submitted outside the prescribed time, was not in proper form and did not annex the required documents, as its nature and grounds are sufficiently clear.

I refuse permission to appeal.

REASONS

I refuse permission to appeal because it is apparent even from the material I do have that the applicant's complaints about the first-tier decision do not raise any arguable issue of law. An appeal to the Upper Tribunal can only be brought on some question of law: section 11 Tribunals, Courts and Enforcement Act 2007. The applicant takes issue with the tribunal's assessment of the likelihood of prejudice to the prevention of crime or the apprehension or prosecution of offenders if the information were released, and of the balance of the public interest in relation to the exemption under sections 2 and 31 of the 2000 Act, but those were matters for the tribunal members to determine on the evidence before them and it is unarguable as a matter of law to say they were not entitled to reach the conclusions they unanimously did.

(Signed)

P L Howell
Judge of the Upper Tribunal
10 February 2011

Under rule 22(3)-(5) of the Upper Tribunal Procedure Rules the applicant may apply for this decision to be reconsidered at an oral hearing but any such application must be made in writing and received by the Upper Tribunal within 14 days after the date on which this notice is sent to the applicant.