



IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER (INFORMATION RIGHTS)

Appeal No: EA/2011/0066

BETWEEN:

COLIN PARKER

Appellant

and

THE INFORMATION COMMISSIONER

Respondent

and

THE NATIONAL PATIENT SAFETY AGENCY

Additional Party

RULING

**RULING ON AN APPLICATION FOR PERMISSION TO APPEAL BY MR
COLIN PARKER**

1. This is an application dated 19 September 2011 by Mr Colin Parker for permission to appeal against the decision of the First Tier Tribunal (Information Rights) ("FTT") dated 26th August 2011.
2. That decision dismissed the appeal of Mr Parker and upheld the Information Commissioner's (IC) Decision Notice: FS50314583 of 17 February 2011.
3. The right to appeal against a decision of the FTT is restricted to those cases which raise a point of law. The FTT accepts that in form this is a valid application for permission to appeal under rule 42 of the Tribunal Procedure

(First-tier Tribunal) (General Regulatory Chamber) Rules 2009 as amended (“the Rules”).

4. The FTT has considered whether to review its decision under rule 43(1) of the Rules, taking into account the overriding objective in rule 2, and has decided not to review its decision because the grounds of the application do not raise an error of law for the reasons stated below.

5. The Tribunal found that all the requested information which was held had been disclosed to the Appellant. Appellant believes the Tribunal was wrong in law by:-

- Making perverse or irrational findings on material matters,
- Failing to give reasons,
- Failing to take into account or resolve conflicts of fact or opinion
- Giving weight to immaterial matters
- Making a mistake as to a material fact

6. The request for information which was the subject of a decision by the ICO was “The information you [the NRES Director] used to demonstrate that NRES acted reasonably in reaching its decision”.

7. The key evidence before the Tribunal was a statement by the NRES Director supported by a statement of truth detailing the material she had consulted in coming to her decision. This statement was coherent, convincing, credible and consistent with the findings of the investigation by the ICO. The Tribunal preferred this evidence to the submissions and arguments of the Appellant and gave reasons for so preferring the evidence.

8. Accordingly The FTT found that no further information was which was not disclosed and gave detailed, logical and cogent reasoning based on the evidence for its decision.

9. The Appellant in his lengthy Application for Permission to Appeal provides a commentary on his points of disagreement with the decision of the FTT.

These are, on analysis, disputes as to many findings of fact either made by the ICO in formulating his report and accepted by the FTT or made by the FTT.

These disputes as to fact do not ground an appeal.

10. The Appellant raises no new issues which ought to be heard by the Upper Tribunal and the claim that the FTT decision did not provide sufficient reasons is completely without foundation.

11. The Tribunal is not persuaded that its original decision was incorrect in fact or in law. It follows that the appeal has no prospect of success and that permission to appeal is refused.

12. Under rule 21(3) the Tribunal Procedure (Upper Tribunal) Rules 2008 as amended Mr Parker has one month from the date this Ruling was sent to it to lodge the appeal with the Upper Tribunal (Administrative Appeals Chamber).

C Hughes OBE

Information Rights Judge

1st October 2011