



**IN THE MATTER OF AN APPEAL TO THE FIRST TIER TRIBUNAL  
UNDER SECTION 57 OF THE FREEDOM OF INFORMATION ACT 2000**

**Appeal No. EA/2012/0147**

**BETWEEN:**

**ALAN MATTHEWS**

**Appellant**

**and**

**THE INFORMATION COMMISSIONER**

**Respondent**

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**DECISION ON APPLICATION FOR  
PERMISSION TO APPEAL**

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1. The First-tier Tribunal struck out the appeal as having no reasonable grounds of success.
2. The Appellant has sought leave to appeal against that decision to the Upper Tribunal. In a lengthy appeal document he asserts procedural irregularities, errors of law and errors of fact.
3. The procedural irregularities appear to be the failure to hold an oral hearing and that he did not submit all the material that he might have done. The appellant was given notice that a strike out would be considered and made submissions in response to that. He also made assertions as to fact. The ground lacks substance. On examination the other grounds amount to disputes as to the factual basis upon which the Commissioner made his decision and similarly lack substance.
4. The Appellant has not identified an error of law in the decision of the Tribunal to strike out his Appeal. His appeal therefore has no realistic prospects of success and accordingly the Tribunal does not grant permission to appeal to the Upper Tribunal.

Judge C Hughes

14 December 2012