



**FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
Information Rights**

Tribunal Reference: EA/2013/0216
Appellant: Mr C Makepeace
Respondent: The Information Commissioner
Judge: NJ Warren

DECISION NOTICE

1. Mr Makepeace has been inconvenienced by inconsiderate car parking near his home. He reported one incident to the police on 9 November 2012 and the same day made a request under FOIA for copies of emails faxes etc regarding the logging of his telephone call or else confirmation that two named officers took no action.
2. The Thames Valley Police (“Thames Valley”) gave Mr Makepeace some information, outside of FOIA, but otherwise refused to confirm or deny that they held this information. Mr Makepeace unsuccessfully complained to the Information Commissioner (ICO) and now appeals to the Tribunal. The ICO has applied for the appeal to be struck out.
3. I have come to the conclusion that the case advanced by the ICO is unanswerable.
4. The reason may be technical but it goes to the heart of the Tribunal’s jurisdiction. The information requested by Mr Makepeace, whether or not any action was taken, constitutes his personal data. Any request by him to Thames Valley in respect of his own personal data is outside the scope of FOIA.
5. For the reasons advanced by the ICO I would be doing no one any favours if I allowed this appeal to continue. I therefore strike out the appeal because it has no reasonable prospect of success.

NJ Warren

Chamber President

Dated 17 December 2013