



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

**Tribunal Reference:** EA/2013/0228  
**Appellant:** S Johnson  
**Respondent:** The Information Commissioner  
**Judge:** NJ Warren

**DECISION NOTICE**

1. On 22 June 2012 Mr Johnson made a 24 part request for information to the DWP under the Freedom of Information Act (FOIA). He later complained to the Information Commissioner (ICO) that his request had not been dealt with in accordance with the Act. The ICO issued a decision notice which found a failure on the part of DWP to respond in full to the request within the statutory time limit of 20 working days. He upheld this part of Mr Johnson's complaint but did not require DWP to take any further action because the information requested has now been supplied.
2. Mr Johnson appeals to the Tribunal against the ICO decision. The ICO has applied for the decision to be struck out on the ground that it has no reasonable prospect of success. I have received comments from Mr Johnson about this.
3. Before dealing with the ICO application I have checked with Mr Johnson to ensure that from his point of view the request has now been answered. His reply indicates that the ICO's conclusion in this respect is correct.
4. I also tried to verify with Mr Johnson what result he seeks from the Tribunal. At various stages he has asked for:-
  - (a) An apology from the ICO
  - (b) An apology from the DWP
  - (c) Disciplinary action in respect of staff at the ICO
  - (d) Disciplinary action in respect of staff at the DWP
  - (e) Compensation
  - (f) An enforcement notice

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- (g) A recommendation under Sections 47 and 48 FOIA
  - (h) An investigation into how the original response was generated
  - (i) A consideration of the civil service code of conduct in relation to the ICO's integrity and objectivity.
5. It is simply not open to the Tribunal in an appeal under FOIA to offer these remedies to Mr Johnson.
6. In these circumstances, in my judgement, the arguments advanced by the ICO are unanswerable. This appeal stands no reasonable prospect of success. It is inevitable that the Tribunal will find no fault in the ICO decision notice and the appeal will fail. I will be doing no one any favours by keeping it alive and it is right for me to bring it to an end now by striking it out.

**NJ Warren**

**Chamber President**

**Dated 30 January 2014**