



**FIRST-TIER TRIBUNAL  
GENERAL REGULATORY CHAMBER  
INFORMATION RIGHTS**

**Tribunal Reference:** EA/2013/0118  
**Appellant:** Andreas Pallis  
**Respondent:** The Information Commissioner  
**Second Respondent:** Hartlepool Borough Council  
**Judge:** NJ Warren  
**Member:** J Nelson  
**Member:** P Taylor  
**Hearing Date:** 28 November 2013  
**Decision Date:** 17 December 2013

**DECISION NOTICE**

1. In March 2012 Mr Pallis was an MA student who, in connection with his work for his degree, approached Hartlepool Borough Council (“Hartlepool”) with a request for information under the Freedom of Information Act (FOIA).
2. His research related to the job evaluation exercise conducted by Hartlepool in connection with equal pay claims. He already had extensive documents including an excel spreadsheet (pages 96-142) and an equality impact assessment (pages 143-204). The information request involved 26 different questions.
3. Hartlepool were unable to respond to the request within the 20 working days limit and apologised for the delay. Nor were they able to meet Mr Pallis’ requests in full. He made a complaint to the Information Commissioner (“ICO”). The ICO established that Mr Pallis’ complaint related to just seven of the 26 items requested.
4. In respect of these items, the ICO accepted that Hartlepool were entitled to rely on Section 12 FOIA which contains a cost limit. In this context that limit is £450.

**Appellant: Andreas Pallis****Date of decision: 17 December 2013**

---

There is a statutory basis for calculating staff time. Hartlepool conducted a “test run” in respect of ten employees in order to provide the information requested by Mr Pallis. This took 45 minutes. It is quite obvious that, replicating that exercise for the thousands of their employees would breach the costs limit. Accordingly, the ICO rejected Mr Pallis’ complaint although he did find that Hartlepool were in breach of section 16(1) FOIA because, given the expense of providing the information, they failed to offer appropriate advice and assistance by indicating what information could be provided within the costs ceiling or by advising Mr Pallis that he should reform or refocus his request.

5. Mr Pallis now appeals to the Tribunal. At his request there was a hearing of this appeal at Darlington on 28 November. Neither the ICO nor Hartlepool troubled to attend.
6. Having considered all the material before us, we accept the account given by Hartlepool of the test run and of the expenses that would be involved in answering Mr Pallis’ request. Like the ICO, we conclude that they are entitled to rely on Section 12 FOIA.
7. We listened carefully to Mr Pallis’ arguments to the contrary. He told us at the hearing that Hartlepool were telling lies. He stated that they had deliberately gone out of their way to sabotage his research because it would demonstrate that they had not been fair and transparent in their job evaluation. He stated that they wanted to stop at any costs the risk of equal pay claims and that they had altered records in order to try to prevent disclosure. He asked us to call for staff from Hartlepool, to answer questions about this.
8. In our judgement the material before us contains nothing to support the claims made by Mr Pallis. Nor, in our judgement, is there material on which we could fairly adjourn the hearing in order to insist on staff from Hartlepool to be questioned about the allegations which Mr Pallis makes. Mr Pallis already has an enormous amount of information; more has been provided; and the further details required by him would require further costly investigations. We do not accept that there is any error in this part of the ICO decision.

**Appellant: Andreas Pallis****Date of decision: 17 December 2013**

---

9. Mr Pallis addressed us on the issue of advice and assistance under Section 16 FOIA. We did not accept his complaint that Hartlepool had failed “in all respects” to advise him and assist him. We have no direct submissions from Hartlepool on this point.
10. The point may be academic and so we refrain from making detailed findings. Nevertheless, we think it right to record that on the material before us we would not criticise Hartlepool in this respect. It seems to us that the ICO approach (see especially para 25 of the ICO decision notice) has focussed too narrowly on the seven parts of the request outstanding and given insufficient credit, against the background of the information which Mr Pallis already had, for the efforts made by Hartlepool to provide answers to the clear majority of the questions asked.

**NJ Warren**

**Chamber President**

**Dated 17 December 2013**