



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

Tribunal Reference: EA/2014/0095
Appellant: Bernard Clucas
Respondent: The Information Commissioner
Judge: NJ Warren

DECISION NOTICE

1. The Information Commissioner (ICO) has applied for this appeal to be struck out.
2. On 13 October 2013 Mr Clucas asked Goring Parish Council for a copy of all correspondence with the Council's external auditor since 26 June 2013. He was dissatisfied with the reply and complained to the ICO. At about the same time the Council changed its mind on review and has now disclosed the correspondence subject to some deletions of personal data. On 26 March 2014 the ICO issued a decision notice to the effect that the Council had been in breach of the time limit for complying with the information request but no further action was needed.
3. The decision notice twice referred wrongly to the information request as extending back to 2006. Mr Clucas asked the ICO to correct what he acknowledges to be typographical errors. At first the ICO claimed he was unable to do so and suggested to Mr Clucas that he lodge an appeal. Fortunately, since then, the ICO has agreed that he can and will amend the typographical errors.
4. All is not yet sweetness and light. Mr Clucas has taken the hint from the ICO and has lodged an appeal. He says he regrets the need to do so. In correspondence he states that the Tribunals time is being wasted and that he finds it "immensely difficult and worrying" that he has been put to the time and trouble of making an appeal.

Appellant: Bernard Clucas**Date of decision: 23 May 2014**

5. In his appeal, Mr Clucas asks for the ICO's current decision notice to be struck down; that the Tribunal should rewrite the decision notice with all necessary corrections, give it a new reference number, and explain that it replaces the old decision notice; and he asks the Tribunal to order the taking down of the old decision notice from the ICO website and its replacement with the new one.
6. Mr Clucas objects to the application to strike out the appeal.
7. By Section 58 Freedom of Information Act there are two broad grounds on which the Tribunal can allow an appeal.
8. The first is that the ICO decision notice is not in accordance with the law. A typographical error is of course an error; but no reasonable Tribunal could conclude that the typing errors in this notice meant that it was no longer in accordance with the law.
9. The second broad ground concerns the power of the Tribunal to exercise a discretion differently to the way in which the ICO exercised it. No such issue arises here.
10. Finally Section 58(2) empowers the Tribunal to review any finding of fact on which the notice in question is based. Although the typing error can be characterised as conveying a mistaken fact, the ICO decision was not based on an erroneous view of the facts.
11. It follows that this appeal cannot succeed. In my judgement it is right to bring it to an end now by striking it out.

NJ Warren

Chamber President

Dated 23 May 2014