



FIRST-TIER TRIBUNAL – GENERAL REGULATORY CHAMBER: Information Rights

Tribunal Reference: EA.2015.0127

Appellant: Anne Shirley Mitchell

Respondent: The Information Commissioner

Registrar: R Worth

Decision

Appeal received

1. On 3 June 2015, the Tribunal office received a notice of appeal form in which Anne Mitchell sought to appeal against a decision by the Information Commissioner's Office, contained in a letter dated 13 November 2013, which has a reference RFA0507152. Anne Mitchell says she received the decision in June 2014.
2. An appeal to this Tribunal must be received by this Tribunal within 28 days of the date on which notice of the decision was sent to the appellant. Whether the decision was sent in November 2013 (as would be usual practice) or in June 2014 (which is when Anne Mitchell says she received it) the appeal was sent significantly out of time.

Jurisdiction of this Tribunal

3. This Tribunal has been granted limited jurisdiction concerning the Data Protection Act 1998. In summary, a data controller may appeal against certain notices which the Information Commissioner's Office may issue.
4. Anne Mitchell's appeal concerns a subject access request she made to Guy's and St Thomas's Hospital NHS Foundation Trust. The Tribunal does not have jurisdiction in such matters, appeals about subject access requests may be made to the County Court or High Court (s.7 Data Protection Act 1998).

Accept appeal out of time?

5. The Tribunal will not accept this appeal out of time. The Tribunal does not have jurisdiction and it is not fair to Anne Mitchell to accept her appeal when it will inevitably be struck out under rule 8(2)(a) due to this Tribunal not having jurisdiction to consider her case.

This decision was made by the Tribunal's Registrar. A party is entitled to apply in writing within 14 days of the date of this document for this decision to be considered afresh by a Judge.

R Worth

Registrar, dated 23 June 2015