



Tribunals Service
Information Tribunal

Information Tribunal Appeal Number: EA/2007/0125
Information Commissioner's Ref.: FS50151825

On 24th.September 2008

Decision Promulgated
On 26th September 2008

BEFORE

CHAIRMAN

David Farrer

and

LAY MEMBERS

Tony Stoller

and

Andrew Whetnall

Between

WILLIAM ALLEN

Appellant

and

INFORMATION COMMISSIONER

Respondent

Subject matter: **Disclosure of medical report on a convicted prisoner**

Cases: **None**

Decision

- 1 Having notified the Appellant in accordance with Rule 10(2) and (3) of The Information Tribunal (Enforcement Appeals) Rules, 2005, the Tribunal upholds the decision notice dated 12th. November, 2007 and summarily dismisses this appeal by virtue of its powers under Rule 10(1).

- 2 By this appeal, the appellant sought to overturn the rejection by the Information Commissioner (“the I.C.”) of his complaint that The Public Prosecution Service for Northern Ireland (“the PPS”) had wrongly refused his request for information, namely for psychiatric or other reports on a serving prisoner who had been convicted of murdering a schoolgirl in England but was later acquitted of a broadly similar charge in Northern Ireland. The P.P.S. relied on the exemptions provided by s.30(1)(c) and 40(2) of FOIA.

- 3 In paragraph 21 of his Reply the I.C submitted that this appeal must fail because the information requested was “sensitive personal data” for the purposes of the Data Protection Act, 1998 and, faced with the exemption provided by s.40(2) of FOIA, the appellant did not attempt to show how the requirements of any condition under schedules 2 and 3 were met, hence how processing of such data could be fair and lawful. The I.C. invited the Tribunal to strike out the appeal under Rule 9 and dismiss it summarily under Rule 10.

- 4 Following notification under Rule 10(2) and (3), the Appellant conceded that he could not succeed and indicated that he wished to abandon the appeal.

- 5 We agree with the I.C.

6 The Notice of Appeal is struck out and the appeal is dismissed.

David Farrer Q.C.

Deputy Chairman

24th September 2008