



**Tribunals Service**  
Information Tribunal

**Appeal under section 57 of Freedom of Information Act 2000**

**Information Tribunal Appeal Number: EA/2009/0072**  
**Information Commissioner's Ref: FS50212832**

**Determined on papers**  
**30 September 2009**

**Decision Promulgated**  
**5 October 2009**

**BEFORE**

**CHAIRMAN**

**Murray Shanks**

**and**

**LAY MEMBERS**

**Jenni Thompson and Malcolm Clarke**

**Between**

**BERNICE SADLER**

**Appellant**

**and**

**INFORMATION COMMISSIONER**

**Respondent**

**Ruling**

The notice of appeal discloses no reasonable grounds of appeal and the appeal is therefore struck out.

**Subject areas covered:**

Application for striking out, Rule 9

## Reasons for Ruling

1. In June 2008 the Appellant, Ms Sadler, requested the Crown Prosecution Service under the Freedom of Information Act 2000 to inform her how many prosecutions had been brought against police officers, barristers and solicitors since 1998 and how many had been allowed to retire on a full pension. The CPS responded in a review decision dated 21 August 2008 by saying that in order to answer the request they would have to search their manual files and that the cost of complying with the request would therefore be substantially more than the “appropriate limit” (£600 in this case) so that they were not obliged to comply with her request by reason of section 12 of the Act.
2. Ms Sadler complained to the Information Commissioner under section 50 of the Act. The Commissioner investigated the matter in detail and issued a very full decision notice on 29 July 2009. He concluded that the CPS would indeed need to search through manual files in order to answer the request and that they would have to search 1.54 million files, which, based on an allowance of five minutes per file, would give an estimate for the search of 128,333 hours of work at a cost of £3 million. He accordingly upheld the CPS’s contention that they were not obliged to comply with the request. He also stated (at para 40) that it would have been reasonable for the CPS to have advised Ms Sadler that some information about the occupation of defendants could be derived from their electronic case management system, that they had therefore breached section 16 (which required them to provide advice and assistance), but that he did not require further remedial steps because he had asked the CPS to supply that information and they had done so.
3. Ms Sadler appealed to the Tribunal on 20 August 2009. In her notice of appeal under the heading Grounds of Appeal which says “Please explain clearly why you dispute the Information Commissioner’s notice” she wrote:

**ICO quoted section 50(1). I have asked for a copy without response. See enclosures. I was not informed how to appeal and not given any help only red tape.**

4. The Commissioner in his Reply applied for the appeal to be struck out on the basis that the notice of appeal disclosed no reasonable grounds of appeal. The Tribunal issued directions on 4 September 2009 for that application to be heard by a Tribunal on paper on 30 September 2009 and that Ms Sadler could send the Tribunal “written representations ... explaining the basis of her appeal and what error she alleges the Commissioner to have made in his decision and explaining why she says the appeal should not be struck out.” She wrote to the Tribunal on 12 September 2009 in these terms:

**For the sake of British Justice my appeal should not be struck out. The British public have the right to have access to the information I have asked for. The Commissioner has quoted Rules and Regulations without once explaining the contents.**

5. We naturally sympathise with Ms Sadler as a non-lawyer attempting to take advantage of complex legislation. However, she has not even attempted to indicate any basis for challenging the Commissioner’s decision that the provision of the information she has requested would cost many times more than the limit which Parliament has laid down. We ourselves can see no error in the Commissioner’s decision notice and, in those circumstances, we are bound to accede to his application to strike out the notice of appeal on the basis that it discloses no reasonable grounds of appeal. We are afraid that that decision must bring an end to Ms Sadler’s appeal.
6. Our decision is unanimous.

Signed

Murray Shanks

Deputy Chairman

Date: 5 October 2009