



# Tribunals Service

## Information Tribunal

**IN THE INFORMATION TRIBUNAL**

**EA/2006/0042**

**BETWEEN**

**MRS. E.J. SPURGEON**

**Appellant**

**And**

**THE INFORMATION COMMISSIONER**

**Respondent**

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**SUMMARY DISPOSAL OF APEAL UNDER RULE 10 OF THE  
INFORMATIN TRIBIUNAL (ENFORCEMENT APPEALS)  
RULES 2005**

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1. Mrs. Spurgeon initially sought to lodge an appeal with the Information Tribunal (the Tribunal) against a decision of the Information Commissioner by letter dated 7th July 2006 addressed to the Chairman, Mr. John Angel. She did not submit the pro forma Notice of Appeal form
2. The Information Commissioner sought to argue that Mrs. Spurgeon did not have the right to appeal under section 57 Freedom of Information Act 2000 (FOIA) as no Decision Notice under section 50 FOIA had been served.
3. Mrs. Spurgeon contended that the Information Commissioner's letter dated 12th June 2006 did amount to a Decision Notice, despite the lack of use of that title, because it dealt "in full" with the "assessment" of her "complaint."
4. The Deputy Chairman directed that the issue of jurisdiction be decided as a preliminary matter and this was set to be heard on 30th October 2006.
5. On 20th October 2006, the Information Commissioner served a Decision Notice under section 50 FOIA.
6. As there was no dispute that Mrs. Spurgeon had the right to appeal under section 57 FOIA against that Decision Notice, dealing with her substantive appeal, she was invited to submit a formal Notice of Appeal in relation to that.

This Notice of Appeal has been allocated a separate case reference and will be progressed in the usual way.

7. There was now no need to decide the preliminary issue for this Appeal and the hearing of 30th October 2006 was cancelled.
8. The substantive appeal will be heard in due course. In order to avoid any duplication, the Tribunal is satisfied that this appeal is of such a nature that it can properly be determined by dismissing it under Rule 10 Information Tribunal (Enforcement Appeals) Rules 2005. In reaching that decision, the Tribunal makes no ruling as to whether the letter of 12th June 2006 amounted to a Decision Notice or not.

Dated 12th December 2006

Annabel Pilling  
Deputy Chairman

Jacqueline Blake  
Lay Member

Jenni Thomson  
Lay Member