



**HM Courts
& Tribunals
Service**

**IN THE MATTER OF AN APPEAL TO THE FIRST-TIER TRIBUNAL
(INFORMATION RIGHTS) UNDER SECTION 58 OF THE FREEDOM OF
INFORMATION ACT 2000**

Appeal No: EA/2010/0202

BETWEEN:

ROBERT HARRY RIGBY

Appellant

and

THE INFORMATION COMMISSIONER

Respondent

and

BLACKPOOL FYLDE AND WYRE HOSPITALS NHS TRUST

Second Respondent

CONSENT ORDER APPROVAL

PURSUANT to Rule 37(1) of the Tribunal Procedure (First-tier) (General Regulatory Chamber) Rules 2009, the Tribunal approves the consent order in this matter attached hereto.

Signed:

Ms A Dhanji

Judge

Dated: 3 May 2011



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EA/2010/0202

ROBERT HARRY RIGBY

Appellant

-and-

THE INFORMATION COMMISSIONER

First Respondent

-and-

BLACKPOOL FYLDE AND WYRE HOSPITALS NHS TRUST

Second Respondent

CONSENT ORDER

UPON the Second Respondent having disclosed to the Appellant a copy of its Protocol for the Management of Upper GI Laparoscopic Procedures which had been issued on 2 November 2009.

AND UPON noting that :

- (a) the Appellant does not accept the Commissioner's finding that his request for information made to the Second Respondent dated 1 November 2009 was vexatious;
- (b) the Appellant nevertheless withdraws this appeal on the basis that he has now been provided with a copy of the Protocol for the Management of Upper GI

Laparoscopic Procedures referred to above and in order to avoid further expenditure of public funds.

Pursuant to rule 37(1) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009,

IT IS ORDERED BY CONSENT THAT:

1. The Appellant's appeal be withdrawn.
2. There be no order for costs.

Dated this 28th day of April 2011

Signed:

Mr Robert Rigby

(Appellant)

Information Commissioner

(First Respondent)

Blackpool Fylde and Wyre Hospitals NHS Trust

(Second Respondent)