



FIRST-TIER TRIBUNAL

GENERAL REGULATORY CHAMBER

Appellant: Dr Patrick Hill	Tribunal Ref EA/2012/0137
Respondent: The Information Commissioner	

DECISION NOTICE

1. Dr Patrick Hill has suffered financial losses following investments first in Equitable Life and then in Pearl Group. He is concerned about any possible regulatory failures and wants to see a copy of a report referred to as “The Lehman Opinion” prepared in respect of Pearl Group in 2008. For some time the Financial Services Authority (FSA) denied that they had a copy. Then in response to a letter from Dr Hill dated 3 October 2011, which was treated as a new Freedom of Information request, the FSA finally admitted to possession of a draft copy of the report. All this must have been frustrating enough for Dr Hill; but then, from his point of view, the FSA rubbed salt in the wound by refusing to disclose the draft report. They said that they were barred from doing so by Section 348 Financial Services and Markets Act 2000 (the Act).
2. Dr Hill unsuccessfully contested this conclusion before the Information Commissioner (ICO) and now appeals to the Tribunal. I have considered carefully all the documents supplied to the Tribunal by Dr Hill and by the ICO including Dr Hill’s reply to an application from the ICO that the appeal should be struck out. I have come to the conclusion that there is no reasonable prospect of the appellant’s case succeeding.
3. I need not give a detailed explanation here of Section 348. That has already been made available to Dr Hill in the original ICO decision notice and in the ICO response to his letter of appeal. I should perhaps add that I have checked the Treasury Regulations made under Section 349 of the Act but can find nothing in them to assist Dr Hill in his appeal.

Decision Continued**Appellant:** Dr Patrick Hill**Date of decision:** 28 August 2012 **Tribunal Reference Number:** EA/2012/0137

4. In his representations, Dr Hill comes close at times to accepting the correctness of this conclusion if only on what he describes as a narrow view; nor does he make a direct attack on the ICO reasoning. He asks the Tribunal to consider the broader picture including the long period of time for which the FSA denied possession of the report; the wider implications of a lack of proper regulation; and his rights as a consumer. However, none of these issues is a matter for this Tribunal. Put shortly, Section 348 of the Act defeats this information request. It would be no kindness to Dr Hill and would not assist him in his objectives to allow the appeal to proceed.
5. I therefore strike it out.

Signed: NJ Warren	Date: 28 August 2012
Chamber President	