



**FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
INFORMATION RIGHTS**

Tribunal Reference: EA/2012/0218
Appellant: Yakov Levy
Respondent: The Information Commissioner
Judge: NJ Warren

DECISION NOTICE

1. I strike out this appeal because in my judgement there is no reasonable prospect of it succeeding.
2. The facts of this case start out simply enough. Mr Levy's wife incurred a parking fine on 3 October 2011. There was an error in the signs around the parking bay and Transport For London (TFL) did not contest her appeal against the fine. At about the time of her appeal Mrs Levy had lodged a request for about 30 items of information. This is at Annex A of the Information Commissioner's Office (ICO) decision notice. Mr Levy was left with a legitimate concern that others might have been wrongly fined. This led to him making information requests in October 2011, January 2012 and February 2012. There had been some clumsy failings by TFL in correcting their original signage error and they did not suspend enforcement in respect of the parking bay until 6 January 2012. As part of an earlier investigation by the ICO TFL agreed to review the ten penalty notices that had been issued in the meantime but would not go into further details to preserve the personal data of the individuals affected.
3. On 16 March 2012 Mr Levy made the information request which has led to this appeal. It is at Annex B of the ICO decision notice and contains 17 sub-paragraphs.
4. TFL have declined to answer the request on the ground that it is vexatious and the ICO has upheld that decision. I have reached the conclusion that it is inevitable that a tribunal would decide that there was no ground to interfere with the ICO conclusion.
5. Inherent in the policy behind Section 14(1) Freedom of Information Act is the idea of proportionality. There must be an appropriate relationship between the information sought, the purpose of the request and the time and other resources that would be needed to provide it. The March request goes way beyond what was

reasonable and there can be no doubt that TFL were entitled to invoke the protection afforded by Section 14(1).

6. In his letter of appeal and when invited to comment on the ICO application to strike out, Mr Levy makes the point that he merely wishes to obtain the findings of the TFL review and confirmation from TFL that they were legally entitled to continue issuing penalty notices, collecting £520 revenue, in the three or four month period which elapsed. If anything, it seems to me this reinforces the ICO's judgement. If this were the limit of Mr Levy's ambitions then the request at Annex B was indeed vexatious.

Signed on the original

N J Warren
Chamber President

30 November 2012