



**FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
Information Rights**

Tribunal Reference: EA/2012/0246
Appellant: Mr Andi Ali
Respondent: The Information Commissioner
Judge: NJ Warren

DECISION NOTICE

1. About five years ago Mr Ali's employment with HMRC ended acrimoniously. Shortly before that he had raised some concerns with the Civil Service Commission (CSC). The CSC hears complaints by civil servants under the Civil Service Code but does not trespass into what are called "Human Resources Management issues". A history of the complaint is at pages 72-73 of the bundle.
2. On 6 April 2012 Mr Ali asked the CSC for four items of information under the Freedom of Information Act (FOIA). This was his fifth request in six months. He wanted to know how many civil servants since 2007 had been sacked for raising concerns with the CSC either under the Civil Service Code or under the Public Interest Disclosure Act 1998. He also wanted to know, in respect of each category, in how many of those cases the CSC had failed to treat their complaint as a Civil Service Code matter and therefore "failed to use all the remedies available to prevent" the penalty of dismissal.

Appellant: Mr Andi Ali**Date of decision: 23 January 2013**

3. The CSC refused to answer the request on the ground that it was vexatious. Mr Ali unsuccessfully challenged this decision before the Information Commissioner (ICO). He has now appealed to the Tribunal and the ICO has asked for his appeal to be struck out on the ground that it has no reasonable prospect of success.
4. Having considered the documents in this case, I agree with the ICO that it is inevitable, if this appeal goes forward, that a Tribunal will find that the CSC were entitled to invoke the protection of Section 14 FOIA in respect of this request.
5. I need not follow the precise elaboration of factors which form part of the ICO's reasoning. Separate consideration of them is not always helpful. In my judgement the factors pointing in this case to the failure of this appeal are:-
 - (a) The history of Mr Ali's dealings with CSC set out at pages 71-74 of the bundle.
 - (b) The deliberately contentious terms of the request. It must be very doubtful that even if a government department were to try to sack a civil servant for raising concerns with the CSC, that this would be given as a reason for their actions. There is no reason to suppose that CSC would record such activity; and the request invites the CSC to admit to failures in doing its job.
 - (c) The request is a plain example of what has been called "vexatiousness by drift". The appellant is using FOIA as part of pursuit of a grievance which has been settled or should be pursued by other means.
6. In these circumstances CSC were entitled to treat the request as vexatious and there is no reasonable prospect of Mr Ali persuading a Tribunal otherwise.

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7. I have read and reread the material which Mr Ali has sent to the Tribunal. I have not overlooked his assertion that the request has a serious purpose. Mr Ali says that he wants the information because he is writing a book; he is writing a thesis for a doctorate; he runs a whistle blowing blog; and he is taking the CSC to an employment tribunal. All these things may be true but, in my judgement, there is no prospect of the Tribunal finding that they outweigh the other circumstances and history of this case which support a conclusion that the request is vexatious.
8. I therefore conclude that the appeal should not proceed further and I strike it out on the ground that there is no reasonable prospect of it succeeding.

(Signed on the original)**NJ Warren****Chamber President****Dated 23 January 2013**