



**Appeal Number: EA/2010/0152**

**IN THE MATTER OF AN APPEAL TO THE FIRST-TIER TRIBUNAL (INFORMATION RIGHTS) UNDER SECTION 57 OF THE FREEDOM OF INFORMATION ACT 2000**

**Dated: 23 May 2013**

**BETWEEN:**

**Appellant: Alan Dransfield**

**Respondent: The Information Commissioner**

**Second Respondent: Devon County Council**

**Decision by: Robin Callender Smith  
(Tribunal Judge)**

**Darryl Stephenson and Rosalind Tatam  
(Tribunal Members)**

**RULING**

The Appellant's appeal, which had been due to re-start on Tuesday 2 July 2013, is struck out by virtue of Rule 8 (3) (b) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009.

This is because of the Appellant's persistent failure – despite clear written and oral warnings of the consequences - to co-operate with the Tribunal by moderating his language in email messages received by the Tribunal and directed at the conduct of other parties and individuals.

**REASONS**

1. On 11 January 2012 I issued Directions which were particularly for the attention of the Appellant. They stated:

“1. The current impression of the Appellant’s emails is that they are taking on an unfortunate - and perhaps unintentionally - hectoring tone which would be inappropriate if it continues.

2. Appeal proceedings are a judicial process, to be respected by all parties, with the ultimate sanction of a reference for contempt of court where respect for the judicial process and the Tribunal itself is ignored.

3. The Appellant’s attention is also drawn to Rule 8 (3) (b) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 which states: "The Tribunal may strike out the whole or part of the proceedings if ....the appellant has failed to co-operate with the Tribunal to such an extent that the Tribunal cannot deal with the proceedings fairly and justly."

4. Co-operation, in this context, includes using moderate language and an appropriate tone.”

2. That warning was reinforced orally to the Appellant by me at the hearing on 30 January 2012.

3. It was repeated on 29 April 2013 – in an email sent to all parties – noting:

“The tone and content of a series of recent emails from the Appellant ignores the specific warning given to him in the Direction above.

Any further such emails from the Appellant will result in his appeal being struck out forthwith for failure to co-operate with the Tribunal.”

4. In an email dated 12 May 2013 the Appellant included the following:

“...Please ref to the attached ICO document which I now rely on as irrefutable evidence that the ICO and the DCC are conniving and colluding to pervert the Course of Justice. In particular, I refer to the ICO decision ref FS50087446.

BTW, we now know that this decision was also a pack of lies and deception because the DCC and ICO have since admitted that the PFI schools records are NOT "A MOUNTAIN OF PAPERWORK" but are retained on electronic format.

How can the DCC/ICO NOW claim my FOIA request is vexatious for one of the six PFI schools, when they have already returned a section 12(1) COSTS for one of the other six PFI schools.

And Judge Wikeley accused me of "ROWING BACK". When it comes to ROWING BACK the DCC /ICO AND Judge Wikeley are experts at Rowing Back.

With thanks

Yours sincerely

Alan M Dransfield

NB Richard Bailey

Please ensure this ICO decision ref FS5007446 is included in the Final Open Bundle because I believe this ICO document proves without a shadow of doubt they are part of a wider conspiracy to pervert the course of Justice.

Surely, you as a ICO Legal Guru knew of the Importance of the attached decision because it clearly states the refusal was under section 12 costs, which YOU KNEW was a LIE and your Mr Cross also knew it was a LIE because you have since "ROWED BACK" and have since gone on record that ALL PFI SCHOOL DATA is VIA PDF format.

NB Mr Justice Charles .Upper Tribunal President

I cannot over emphasize the importance of the attached ICO decision because, it does, in my view support my allegations of a wider conspiracy between the ICO/DCC and HM Judges to Pervert the Course of Justice.

So why didn't Judge Wikeley relate to the attached ICO when he was reffering to "ROWING BACK".

Quite frankly Mr Justice Charles, I consider this attached ICO decision is prima facie grounds for the immediate arrest of BOTH Richard Bailey and Judge Wikeley for CONSPIRACY TO PERVERT THE COURSE OF JUSTICE."

5. The Appellant has ignored the three specific warnings he has been given.
6. As a consequence – looking at the totality of his myriad emails generally and in the light of language and allegations mentioned above – his appeal in its entirety is struck out by virtue of Rule 8 (3) (b) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009.
7. The decision to do this has been taken in consultation with and with the agreement of the two other Tribunal members assigned to this appeal.

Robin Callender Smith  
Tribunal Judge  
23 May 2013