

FOIA s1(1) – Whether information held

Stanley Roberts v IC

EA/2006/0008 and 0009

16th June 2006

Cases:

Facts

The Appellant made requests for information to the Air Accident Investigation Branch (AAIB) and Civil Aviation Authority (CAA) regarding the grounding of a 747 plane at Heathrow during the time of the Lockerbie disaster. Both responded stating that it had received prior requests from the Appellant on this matter and that as previously stated no information was held.

The IC was satisfied with the assurances from both authorities.

Findings

The Tribunal found it impossible to conclude that the Commissioner's decisions in both appeals were contrary to law as there was no suggestion of misapplication of legal principle by the Commissioner. With regard to any possible wrongful exercise of discretion by the Commissioner, the Tribunal found it impossible to see how the decisions of the Commissioner could be faulted. In particular, the Tribunal noted that the Commissioner took the prudent and practical precaution of, in effect, double-checking that neither public authority held or retained any record or information of the type sought by the Appellant. Furthermore, each public authority had on a number of previous occasions been requested for the same or similar information by the Appellant and had informed the Appellant on such occasions that no such information was held or retained.

Conclusion

The Tribunal dismissed the appeals.