



**IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
(INFORMATION RIGHTS)**

Case No. EA/2010/0296

**ON APPEAL FROM:
Information Commissioner
Decision Notice ref FS50414930
Dated 16 November 2011**

Appellant: Maria Koletti

Respondent: Information Commissioner

Ruling

The appeal has no reasonable prospect of succeeding and is accordingly struck out under rule 8(3)(c) of the Tribunal's rules of procedure.

Reasons

1. The Appellant, Ms Koletti, has since March 2008 been in correspondence with the University of York about whether or not the university issued another individual (who I shall refer to as X) with a DPhil in music. This question is apparently relevant to an on-going dispute in Greece which is not itself relevant for the purposes of this appeal under the Freedom of Information Act 2000.
2. In the course of that dispute Ms Koletti has come into possession of a certificate which apparently records that the University conferred a DPhil in music on X on 10 July 2002. The University records, as disclosed to Ms Koletti long ago, show that X

was awarded a DPhil on 24 June 2002 and that it was conferred on her at a ceremony in York on 11 July 2002. The University has also made clear in the course of correspondence that it does not regard the discrepancy of one day between the date apparently shown on the certificate and the date of the ceremony as significant and that it does not keep copies of individual certificates issued.

3. Following an earlier request for information under the Freedom of Information Act 2000 Ms Koletti appealed to the Tribunal and had her appeal struck out on 26 April 2011. She then made a further request on 13 May 2011 in these terms:

... I have in my possession a certificate that falsely states that [X] was conferred with a DPhil in Music, from York University, on the tenth of July, 2002, my question is as follows.

Did York University issue the above-mentioned certificate, that is, conferring [X] with a DPhil in Music, on July 10, 2002?

The University responded that it did not hold the requested information. Ms Koletti applied to the Information Commissioner who upheld the University's position, stating in particular that he was satisfied that the University did not keep copies of certificates.

4. Having reviewed the correspondence supplied to me, the decision of the Tribunal in the earlier appeal, the Commissioner's decision in this case and Ms Koletti's notice of appeal and subsequent representations, it is abundantly clear to me that the University have supplied her with all relevant recorded information which they hold and that nothing whatever is to be gained by her appeal continuing. In particular I see no prospect of her establishing that there is any further recorded information in relation to the certificate she has in her possession.
5. I therefore strike out her appeal.

HH Judge Shanks

Tribunal Judge

25 January 2012



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

Appeal No. EA/2011/0296

BETWEEN:-

MARIA KOLETTI

Appellant

and

THE INFORMATION COMMISSIONER

Respondent

**DECISION ON APPLICATION FOR
PERMISSION TO APPEAL**

1. Ms Koletti seeks permission to appeal against my ruling of 25 January 2012 striking out her appeal against the Information Commissioner's decision notice dated 16 November 2011. Such permission is only granted if an arguable point of law is raised in her application for permission to appeal.
2. Ms Koletti's primary contention in Section D of her application for permission to appeal is that there is no evidence to support my implicit finding that the University of York do not hold a copy of the certificate in issue in the case. In fact the onus is on her to establish on balance of probabilities that the University do hold the information which has been requested, not the other way round. In para 1 of Section D she refers to correspondence from 17 April 2008 in which the University stated that "a certified copy of the degree certificate" cannot be issued to a third party without the permission of the holder of the degree or a court order, which she suggests is evidence that the University must hold a copy of the certificate; it is quite clear, reading the

relevant words in context, that the University was referring there to a duplicate certificate which would have to be issued and certified and was not suggesting that it then held a copy or copies of the certificate already issued. The position was and remains that the University has stated unequivocally that it does not hold a copy of the certificate and Ms Koletti has not presented any evidence to persuade me that that statement is wrong. No arguable point of law is raised.

3. In para 2 of Section D Ms Koletti complains about not being able to obtain a copy of a thesis through the British Library; I am not clear what this has to do with the matter in issue.
4. In para 3 of Section D Ms Koletti refers to a number of documents which she maintains show that no degree was conferred on 10 July 2002; that appears to be the assertion she wishes to make good in another context but is of no relevance to this appeal.
5. I am not sure what the significance of para 4 of Section D is but I am satisfied it does not raise any arguable point of law.
6. No arguable point of law is raised by the notice of appeal and I refuse permission to appeal in this case.

Signed:
HH Judge Shanks
28 February 2012