



IN THE MATTER OF AN APPEAL TO THE FIRST-TIER TRIBUNAL

Appeal No. EA/2012/0104

BETWEEN:

JONATHAN AND DEBRA LEOVITS

Appellants

and

THE INFORMATION COMMISSIONER

First Respondent

and

MICHAEL SOBELL SINAI SCHOOL

Second Respondent

STRIKE OUT

1. The parties are thanked for their submissions. I have considered these and the facts of this appeal, and have decided to strike out this appeal in its entirety. My decision is based upon my reasoning that was set out in my directions of 2 July 2012.
2. As regards ground 4, the Commissioner stated that:
"ground four may be considered 'academic' in the sense that if the Tribunal were to agree with the Commissioner's changed position as regards ground four, there would be no practical advantage for the Appellants in particular as they have already received the information that they requested. The Commissioner also remains mindful of the Tribunal's Rules' overriding objective and the need to deal with cases in a manner proportionate to the importance of the case, its complexity and the anticipated costs; the Commissioner has previously stated that he considers that there is unlikely to be a need for detailed further submissions from the parties as regards ground four."

Notwithstanding what has been argued, the second respondent does not agree with the Commissioner and Appellant's position, such that there would need to be submissions made and documents produced for the panel to consider. Given the resources of the parties and minimal if any merit in pursuing this ground, I consider it disproportionate to allow this matter to proceed in order to make a purely abstract ruling.

3. I note that in paragraph 6b(2) of my directions of 2 July 2012 there was a drafting error. The sentence "*In relation to all five grounds, I am also considering a strike out under rule 8(3)(a)*" should have stated "*In relation to all five grounds, I am also considering a strike out under rule 8(2)(a)*". I consider this error was obvious from the contents of the paragraph because it explained that the reason for strike out was because I considered the appeal outside the Tribunal's jurisdiction.

Judge Taylor

28 August 2012