



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

EA/2012/0187

B E T W E E N:-

MR DAVID EDGAR

Appellant

-and-

THE INFORMATION COMMISSIONER

Respondent

DECISION NOTICE

1. This appeal is struck out under rule 8(3)(c).
2. Mr Edgar has sought information from the National Measurement Office (NMO) about electricity metres remote certification periods have been extended. The NMO have supplied some information but have declined the full request on grounds of cost – see section 12 of the Freedom of Information Act.
3. The NMO have supplied careful and detailed calculations to support their decision. Indeed to ask them to produce more would in my judgement defeat the purpose of the cost exemption. I have no doubt that a tribunal would accept that s12 has been correctly applied, as did the Information Commissioner (ICO).

4. Mr Edgar has not responded to a request from the clerk for comment on the possibilities of the appeal being struck out. His ground of appeal is that the ICO's decision is based on assumption and estimates and took no account of material evidence. It is clear, however from the ICO response, which I accept, that the estimate under s12, for that is what it must be, is soundly based on reason and experiment.
5. I therefore strike out the appeal because it has no reasonable prospect of succeeding.

Judge N J Warren
(Signed on original)
18th. October, 2012