



**FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
Information Rights**

Tribunal Reference: EA/2012/0197
Appellant: Christopher Booth
Respondent: The Information Commissioner
Judge: NJ Warren

DECISION NOTICE

1. This appeal is struck out because there is no reasonable prospect of the appellant's case succeeding.
2. On 17 April 2010 Mr Booth asked the Attorney General to consent to a prosecution under s51 International Criminal Court Act 2001. This section deals with genocide, war crimes and crimes against humanity. I am not entirely clear as to which actions are claimed by Mr Booth to come within the ambit of s51 although it appears from the material before me that the justices' clerk who has so far refused to issue a summons is one of the proposed defendants. The Attorney General refused his consent and prolonged correspondence followed. On 27 May 2011 a named civil servant wrote to Mr Booth explaining to him again where information could be found as to the type of material required before the Attorney General would give consent to a prosecution. The civil servant pointed out that the Attorney General's office (AGO) had already made 15 responses to Mr Booth on this topic and stated that future correspondence would not receive a response unless genuinely fresh issues were raised.
3. About eight months later Mr Booth made a request to the AGO under the Freedom of Information Act. He gave two variant spellings of the civil servant's name and in respect of any spelling "in any and every which way possible and known to the" AGO he asked whether such a person was employed by them; in what capacity; what was their date of birth; and what was their full name as disclosed on their birth certificate. Mr Booth's request has been rejected as vexatious by the AGO and this decision has been confirmed by the Information Commissioner's Office (ICO). He now appeals to the Tribunal. The ICO has submitted that the appeal should be struck out.
4. As well as inviting Mr Booth's comments on this issue I have particularly asked him to specify whether there is a serious point behind his request. On the material before me, he seems to be saying that the reason for the request is to ensure the

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content of the letter dated 27 May 2011 can be relied upon and to ensure the “authenticity” of the civil servant concerned.

5. In my judgement, there is no serious purpose behind the request. Neither the AGO nor anyone else has suggested that the letter cannot be relied on. The material before me shows that after careful and courteous responses from the AGO Mr Booth has started a chase for information which is without relevance to his grievance. It is unreasonable and disproportionate for a citizen in these circumstances to make this sort of enquiry about the name of the civil servant which appears at the bottom of a letter. The AGO were entirely correct to use the shield of Section 14 Freedom of Information Act against such a nuisance of a request.
6. The case is, in my judgement, so clear that no reasonable tribunal would find fault with the ICO’s conclusion. It is right to put an end to the matter now by striking out the appeal.
7. I should add that I have considered Mr Booth’s request for an oral hearing of the strike out application. In my judgement, however, the issue can properly be dealt with on the papers. To hold a hearing would be a disproportionate response to the issues involved.

(Signed on the original)**NJ Warren****Chamber President****Dated 29 October 2012**