



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

Tribunal Reference: EA/2013/0106
Appellant: Ian F Ross
Respondent: The Information Commissioner
Second Respondent: Salford City Council
Judge: NJ Warren
Member: Dr M Clarke
Member: J Blake
Hearing Date: 29 August 2013
Decision Date: 27 September 2013

DECISION NOTICE

1. On 15 October 2012 Mr Ross asked Salford City Council for a copy of a partnership agreement made between the council and an NHS foundation trust.
2. What happened next is in dispute. Salford City Council say that they sent the requested information to Mr Ross in a letter dated 2 November 2012. Mr Ross says he never received either that letter or the enclosed partnership agreement.
3. This was what led Mr Ross to complain to the Information Commissioner (ICO). The ICO issued a decision notice on 9 May 2013. Mr Ross now appeals against that notice to this Tribunal.
4. Part of the decision notice refers to an earlier request for different information which Mr Ross had made. In his letter of appeal, Mr Ross makes plain that the earlier request is, as he puts it, a “red herring” and we are dealing only with the request for the partnership agreement.
5. By the time of the hearing of his appeal Mr Ross now had a copy of a document claiming to be the partnership agreement. He told us that he had three concerns:-
 - (a) He wanted the Tribunal to make a finding that Salford City Council had not responded to his request within 20 working days, as they were obliged to do.

Appellant: Ian F Ross**Date of decision: 27 September 2013**

- (b) He believed that the copy letter dated 2 November, together with another one dated 30 November, was a forgery.
- (c) He believes that the agreement now produced to him is not the information which he requested. He believes that some information has been removed from the document to make it more acceptable to him. He relied on the fact that para 1.1 contains a typo; that some of the letters in the agreement which should be capitalised were not; and that the copy with which he had been supplied had come to him through the ICO not direct from the council.
6. We have carefully listened to Mr Ross' assertions. We do not doubt that they represent his sincerely held beliefs but we are unable to conclude from them that there has been any forgery or alteration of documents.
7. As to whether the letter enclosing the partnership agreement was sent out on 2 November, we do not consider that there was any error in the approach adopted by the ICO. First, we reject Mr Ross' case that the letter is a fabrication. Second, Mr Ross told us that he does have difficulty sometimes in receiving things in the post. This seems to us much the more likely explanation and we therefore dismiss the appeal.

NJ Warren

Chamber President

Dated 27 September 2013