



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

**Tribunal Reference:** EA/2014/0191  
**Appellant:** Darbari Rachhpaul S Bedi  
**Respondent:** The Information Commissioner  
**Judge:** NJ Warren

**DECISION NOTICE**

1. Mr Bedi has been assisting a resident of Hounslow who is in housing need. She is living in two bed-roomed accommodation even though she has five children. He became aware of a person who had lived alone locally in three bed-roomed accommodation since 2002. Last year he reported these circumstances to Hounslow Council in October 2013. The Council considered that there was no evidence of tenancy fraud and closed the investigation.
2. On 28 January 2014 Mr Bedi asked London Borough of Hounslow for a copy of that person's tenancy agreement. Hounslow refused on the ground that the information held was the tenant's personal data. Mr Bedi complained unsuccessfully to the Information Commissioner (ICO). He now appeals to the Tribunal against the ICO decision. The ICO has asked for the appeal to be struck out on the ground that it has no reasonable prospect of success.
3. Mr Bedi argues that when a crime is suspected, it must be in the public interest for information to be disclosed. He points out that earlier this year Hounslow Council passed the findings of an internal enquiry to the police. Around the same time two employees of Hounslow Homes Ltd, which manages the Council's accommodation, were dismissed and another one resigned. More recently four former employees of Hounslow Homes have been interviewed by police and bailed to return for questioning in October.
4. Local authorities have duties to disclose information under the Freedom of Information Act (FOIA). They also have duties to protect personal data under the Data Protection Act (DPA). Rights under FOIA do not trump an individual's right under DPA to have his or her personal data processed lawfully.
5. In my judgement the submission now made by the ICO to the effect that disclosure of the tenancy agreement would be unlawful is unanswerable. The question boils down to whether Mr Bedi has a legitimate interest which makes the disclosure

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necessary. A suspicion on the part of Mr Bedi that a crime has been committed cannot satisfy that test. Nor, in my judgement, can the recent police investigation strengthen Mr Bedi's hand in this respect. On the contrary, Hounslow BC and the police are already cooperating in looking at allegations of fraud at Hounslow Homes Ltd. Mr Bedi can supply what information he has to the police. He has no legitimate interest in conducting his own investigation when a police investigation is underway.

6. I therefore conclude that the result in this appeal is inevitable:- the Tribunal will uphold the ICO decision. I completely accept Mr Bedi's good faith but in these circumstances I would be doing no one any favours by allowing the appeal to continue and I therefore strike it out under Rule 8 GRC Procedural Regulations.

**NJ Warren**

**Chamber President**

**Dated 23 September 2014**