



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

Tribunal Reference: EA/2015/0008
Appellant: June Short
Respondent: The Information Commissioner
Second Respondent: Poole Hospital NHS Foundation Trust
Judge: Peter Lane

DECISION NOTICE

1. The Commissioner proposes that the appellant's appeal should be struck out under rule 8(2)(a) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 on the basis that the Tribunal does not have jurisdiction to determine the appeal; alternatively, that the appeal should be struck out pursuant to rule 8(3)(c) on the basis that there is no reasonable prospect of the appeal succeeding.
2. I have had regard to the decision notice, grounds of appeal, Commissioner's response (in which the proposals mentioned above are contained) and the appellant's reply. I am satisfied that I may determine the matters justly, without the need for an oral hearing.
3. The jurisdictional argument is powerful; but since the appellate regime gives the Tribunal the ability to find that a decision notice is not in accordance with the law and to substitute another notice, the Tribunal can, in effect, require a decision notice to be re-formulated, where this would serve a legitimate purpose. I therefore prefer to approach the matter by reference to rule 8(3)(c).
4. Paragraph 14 of the Commissioner's response accurately describes what the appellant is seeking by way of amendments to the decision notice. I also note what the appellant says is a factual inaccuracy in paragraph 15 of the notice. I agree with the Commissioner that none of this is reasonably likely to lead to any allowing of the appeal by the Tribunal. Even if there is jurisdiction, it is not the function of the Tribunal to expend resources in finessing decision notices, at the behest of a party, where this does not impact on the actual disclosure of requested information. Accordingly, there is no reasonable prospect of the Tribunal indulging an appellant in this regard. The resources of the Tribunal are not infinite and must be confined to deciding real issues.
5. The appeal is struck out.

Decision Notice Continued

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Date of decision: 2 March 2015

Peter Lane

Chamber President

Dated 2 March 2015