

Neutral citation number: [2025] UKFTT 00105 (GRC)

Case No. EA/2023/0440/GDPR

Decision given on: 11 February 2025



**In the First-tier Tribunal
(General Regulatory Chamber)
Information Rights**

Before: **Judge Taft**

Appellant: **Richard Beckford**

Respondent(s): **Information Commissioner**

Strike Out Order

It is ordered:-

1. The proceedings are struck out.

REASONS

1. The Appellant submitted a Notice of Appeal on 10 October 2023. On 17 October 2023 he was by the Tribunal asked to provide a copy of the disputed decision. The Appellant was warned that the Tribunal may close the file or strike out proceedings if he did not provide a copy of the decision.
2. The Appellant wishes to challenge a decision made by the Information Commissioner (ICO) in relation to a complaint about subject access rights. This Tribunal has power to consider an application for an order to progress a complaint under section 166 of the Data Protection Act 2018 (DPA). However, the Tribunal's powers under section 166 DPA are limited. The Tribunal can only make an order about procedural failings, for example where the ICO has not responded to a complaint at all. This Tribunal cannot deal with the outcome of a complaint. The Appellant's Grounds of Appeal say that he disagrees with the ICO's decision, and he wants to see his medical records. This suggests that the Appellant has received an outcome to his complaint. If he is dissatisfied with the outcome, the Tribunal does not have the power to consider this.
3. On 21 November 2024, Judge Oliver directed the Appellant to make representations within 14 days about why the proceedings should not be struck out on the basis that the Tribunal does not have jurisdiction in relation to them and/or there is no reasonable prospect of the Appellant's case, or part of it,

succeeding. In the alternative, Judge Oliver asked the Appellant to confirm if he wished to withdraw his appeal.

4. Under Rule 8(2)(a) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, as amended¹ (now referred to as “the Rules”), the Tribunal must strike out the proceedings if the Tribunal does not have jurisdiction.
5. Under Rule 8(3)(c) of the Rules, the Tribunal may strike out the proceedings if the Tribunal considers that there is no reasonable prospect of the Appellant’s case succeeding.
6. The Appellant’s Grounds of Appeal begin “*I disagree with the decision of the ICO...*”. No Decision Notice was filed with the Appeal but it appears from the Grounds that a decision was made. The Tribunal does not have jurisdiction to hear a complaint that the decision was wrong. The proceedings must therefore be struck out.
7. If in the alternative, the Appellant intended to make an application under section 166 of the DPA that the Tribunal make an order requiring the ICO to take appropriate steps to respond to the complaint or to inform the Appellant of progress on the complaint or of the outcome of the complaint, that application has no reasonable prospects of success because the Grounds of Appeal indicate that the outcome of the complaint has in fact already been provided to the Appellant.

Signed: *Judge Taft*

Date: 4 February 2025

¹ <https://www.gov.uk/government/publications/general-regulatory-chamber-tribunal-procedure-rules>