

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004**

Decision notice

Date: 6 March 2013

Public Authority: North East Derbyshire District Council
Address: The Council House
Saltergate
Chesterfield
S40 1LF

Decision (including any steps ordered)

1. The complainant has made a number of requests for information about a sale of land in Mickley. The council sold the land for a fee, and it was subsequently sold on by the purchaser for a much higher fee a few months later. The complainant has requested details of the sale from the council and individual council officers and elected members over a long period of time. Having previously provided information to the complainant the council has stated to him on a number of occasions that no further information is held the council reiterated that no information is held but also applied section 14 (that the requests are vexatious) or to the extent that the EIR are applicable that Regulation 12(4)(b) is applicable (that the requests are manifestly unreasonable).
2. The Commissioner's decision is that North East Derbyshire District Council (the council) was correct to apply Regulation 12(4)(b) to the requests for information in this case.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On various dates, however the majority being sent on 27 January 2012 the complainant wrote to the council and requested information. The exact requests are provided in the annex following this decision notice. Broadly however the requests were for the following information:

FS50436741 – This request seeks information held by a specific council officer that relates to the Mickley Land, namely, his reasons for the sale, including but not limited to his undertakings as part of the Audit & Corporate Governance Scrutiny Committee.

FS50436742 – This request seeks information held by a specific council officer that relates to the Mickley Land, namely, his reasons for the sale, including but not limited to the undertakings of the Audit & Corporate Governance Scrutiny Committee in his capacity as chairman.

FS50436888 – This request seeks all information held by a specific council officer as well as information presented to him and examined by him in relation to the sale of Mickley Land in his capacity as auditor.

FS50440374 - This request seeks information held by a specific council officer that relates to the Mickley Land, namely, his reasons for the sale as part of the Audit & Corporate Governance Scrutiny Committee undertakings.

Further complaints about requests were received from the complainant:

- This request seeks the reasons why a particular officer did not personally respond to an FOI request as other officers had responded on his behalf. The complainant believed that the officer should personally respond to his request and stated to the officer that a failure to do so would amount to a breach the Act. Additionally it requested further information relating to the arguments surrounding the valuation of the land. The complainant had confirmation from previous correspondence with the council that a shop which was sold as part of the land was not part of the council's assets.
 - This request seeks information on how the council contacted the unsuccessful parties in the tender to inform them that they had not been successful in their bid. It asks a number of questions and requests a number of details in regards to the process which was carried out by the council to do this.
5. The above two requests have not been given specific complaint numbers by the Commissioner. However for the absence of doubt, the Commissioner considers that the complaints relate to Mickley Land Sale and his decision within this decision notice also applies to these requests for information.
 6. The council responded to each request stating that they were vexatious under s 14 of the Act, or where relevant, that the requests were exempt

under Regulation 12(4)(b) of the Environmental Information Regulations (the 'Regulations'). This applies where a request for environmental information is manifestly unreasonable.

7. Following an internal review on each of the above the council wrote to the complainant upholding its earlier decisions.

Scope of the case

8. The complainant contacted the Commissioner to complain about the way his request for information had been handled.
9. The Commissioner considers that the information relates to the decision to sell land, primarily for development purposes. He also notes that the First-tier Tribunal dealt with a previous case as request for environmental information. The Commissioner has therefore considered this case under the Regulations also.

Reasons for decision

Background

10. The complainant's reason for making his requests revolves around an important issue of public concern. In 2005 the council sold a plot of undeveloped land called Mickley Land for a price of around £80 000. This was subsequently sold on by the purchaser for a price of £655 000 6 months later, still undeveloped. The profits made by the third party appear therefore to be significant bearing in mind the short period of time during which the individual owned the property.
11. The complainant's requests all revolve around the sale of the land. He considers that there may have been fraudulent activity or negligence and that this may have been 'covered up' by council officers. In a long history of correspondence between the parties he has sought to uncover evidence of this fraud by writing to the council and separately to officers and councillors involved in the sale or the subsequent review on an individual basis, requesting information about the sale. Separate complaints to the Audit Commission and to the police have not led to action being taken against the council, and a review by the council's chief financial officer found no issues with the sale. This review was however criticised by some councillors.
12. When making his decision the Commissioner has borne in mind that following a previous complaint to the Commissioner about the same

issue the First-tier Tribunal criticised the council for its responses to the complainant's requests. In particular it criticised the attitude which the council took to ascertaining whether it held relevant information which could respond to the complainant's requests. This followed the discovery of information during the course of the appeal which the council had initially stated to both the complainant and to the Commissioner did not exist.

13. Finally it should be noted that the complainant's decision outlined in this decision notice is restricted to the rights and obligations of the complainant and the public authority's obligations under the Act and the Regulations. He has not and cannot take into account the unproven allegations of the complainant nor make a decision on the propriety of the council in respect of the land sale or its actions following that sale. His decision is based purely upon the requests for information (and the manner in which these were made by the complainant), and the responses which the council has made to those requests.

Regulation 12(4)(b)

14. Regulation 12(4)(b) provides that a public authority may refuse to disclose information to the extent that the request for information is manifestly unreasonable. The Commissioner is clear that the inclusion of "manifestly" in regulation 12(4)(b) indicates Parliament's intention that, for information to be withheld under this exception, the information request must meet a more stringent test than being simply "unreasonable". "Manifestly" means that there must be an obvious or clear quality to the unreasonableness referred to.
15. The Commissioner is of the view that this regulation provides an exception to the duty to comply with a request for environmental information in two circumstances: 1) where it is vexatious, and 2) where it would incur unreasonable costs for the public authority or an unreasonable diversion of resources. However, that is not to say that the exception is limited to these two circumstances only, as the Tribunal in the case of *DBERR v ICO and Platform (EA/2008/0096)* emphasised: *"It is clearly not possible to identify all situations in which a request will be manifestly unreasonable" (paragraph 37); there may well be other situations where regulation 12(4)(b) can apply."*
16. In this case the council suggest that Regulation 12(4)(b) should apply because the requests are vexatious.

The Commissioner's approach

17. When considering whether a request is vexatious or not the Commissioner considers the entire context and history of a request. He

also uses guidelines to aid his assessment. It is not a requirement for all categories within the guidelines to be met, however where the request falls under only one or two categories or where the arguments sit within a number of categories but are relatively weak, this will affect the weight to be given to the public authority's claim that the exception is engaged. The guidelines he applies are:

- 1) whether compliance would create a significant burden in terms of expense and distraction
 - 2) whether the request is designed to cause disruption or annoyance
 - 3) whether the request has the effect of harassing the public authority or its staff
 - 4) whether the request can otherwise fairly be characterised as obsessive or manifestly unreasonable
 - 5) whether the request has any serious purpose or value
18. The council, as a result of a previous requests and an investigation undertaken by the Commissioner has already disclosed a large amount of information relating to the sale of Mickley Land. The Commissioner has had sight of what was previously provided to the complainant, and in his previous decision notice (FER0419712) noted that the information follows the path of the sale from start to finish. The Council has referred the Commissioner to its previous information disclosures, and has argued that it has "*provided every scrap of recorded information*" that relates to the Land.
19. The Commissioner notes however the criticism laid against the council by the First-tier tribunal as regards the searches it carried out and in its responses to the complainant's request. The Tribunals finding came after these requests were received and responded to however they are still relevant as they relate to requests and council responses at the time that these requests were made.
- 1) Whether compliance would create a significant burden in terms of expense and distraction
20. The council indicated that it did not consider that it could rely upon this particular part of the consideration other than to indicate the numerous requests made by the complainant over this issue of Mickley Land sale. It said that over the years this correspondence had caused considerable distraction and expense in terms of officer time taken up to respond to requests. It added however that many of its officers had provided unpaid work to accommodate the responses and so it did not consider

that it could fulfil the criteria for "a significant burden in terms of expense".

21. The Commissioner has considered this further. When considering the whether a request is vexatious he takes a contextual view rather than a direct 'tick box' approach to the guidelines outlined above. The factors outlined are simply a starting point when considering whether a request is vexatious.
22. Having considered the requests in the context of the full history of this case the Commissioner is satisfied that responding to requests on Mickley Land sale, together with responding to other correspondence and complaint from the complainant in this respect has caused a significant burden in terms of officer time. There would therefore be an expense to the council if only from the number of hours lost which could have been used to deal with other matters in responding to these requests.
23. Although responding to these individual requests would not take a great deal of time, this should be considered within the context of all of the previous requests and correspondence which the complainant has made over this issue.
24. The complainant wrote to the Commissioner outlining the correspondence he had had with the council up to the point where his requests were declared vexatious. Not all of these were FOI requests however they were letters which generally required a response from the council. He indicated that in 2011 he had sent 132 pieces of correspondence to various NEDDC personnel. He had received 91 letters in response from the council. He also said that between January and 10 June 2012 he had sent another 51 pieces of correspondence to the council, of which he had received 7 responses. The requests were made in or around January for the most part and so for the purposes of his decision the Commissioner has taken into account the 132 pieces of correspondence and the 91 letters of response issued by the council.
25. The Commissioner is therefore satisfied that although responding to this individual request may not create a significant burden in terms of expense, overall the requests over this issue have been significant, and the burden in terms of expense would have been significant.
26. Having stated this, the Commissioner notes, as outlined further below, that the council's refusal to actively engage with the complainant over the issue would have led to further correspondence and questions being issued by him.

27. As regards the second consideration, 'a significant burden in terms of distraction' the council argues that this can be demonstrated by the volume of correspondence it has received over this issue from the complainant. It also provided the Commissioner with a list of correspondence and complaints which it had received from the complainant about this issue.
28. The complainant has therefore made numerous requests to the council over this same issue, both to individual councillors and to individual officers. He has also made complaints to various regulatory authorities, to the police and to professional associations regarding the actions of individual officers which the council may also have had to respond to. He has also made complaints to the Audit Commission and the Chartered Institute of Public Finance and Accountancy (CIPFA). He has accused the council, individual officers and councillors of lying or covering up in their responses, alleging that fraudulent activity must have taken place. The Commissioner is therefore satisfied that the complainant's requests have had the effect of creating a significant burden in terms of the expense and the distraction to the council and its officers.

2) Whether the request is designed to cause disruption or annoyance

29. The council argues that all of the complainant's requests relating to this matter are designed to cause disruption and annoyance. It argues that the turn of phrase used by the complainant in his complaints and correspondence expresses the intention of causing disruption or annoyance. It states that the complainant is consistently making allegations of conspiracy, and that he follows these allegations by seeking to make separate complaints about individual officers to their managers and to their professional associations.
30. The council provided evidence that as a result of the complainant's requests, as an employer it has had to take advice on taking legal action against the complainant in respect of harassment. The complainant has provided the Commissioner with a copy of a letter received from the council's solicitors warning him that if he continues to act in the same way it would consider taking legal action to prevent the harassment of its employees further. This is dated 11 May 2012 and so after the requests had been refused. It does however provide evidence of the levels of harassment the council considered individual staff have been subjected to prior to the data of receipt of these requests and so is relevant to the overall decision in this case.
31. It is important to note that the complainant has refuted these claims. His argument is that, as the tribunal discovered, information was withheld from him, officers did not engage with his requests and some of his correspondence was simply ignored. He considers that in this

scenario, repeated correspondence and requests was the only way he had of ensuring that the council took his concerns seriously. The Commissioner recognises that this would have had an effect, and that it is a relevant argument for the complainant to submit in this instance.

32. Having said this, the Commissioner notes the tone and the language used by the complainant in many of his requests would create annoyance to council officers. Although the complainant has not used profane or threatening language in any of his correspondence it is clear that repeated allegations of negligence, a cover up or fraudulent activity by council officers would create annoyance and distraction, particularly over the length of time in which this correspondence and questioning has been ongoing.

3) Whether the request has the effect of harassing the public authority or its staff

33. In addition to pointing to its solicitors actions, the council also said that the complainant's correspondence has included on many occasions derogatory and defamatory statements about council officers which he has copied to councillors, the police, the Audit Commission and 'several other authorities'. It argues that the purpose behind this was to place relevant officers in fear for their position and their professional standing.

34. The Commissioner notes that the complainant has accused individuals of lying, and of professional officers at the council from failing to do their job properly. He has continued with a view that there is a conspiracy within the council to hide details of the sale from the public and from regulators. Clearly officers who are in receipt of such correspondence will feel harassed as a result of the correspondence and the allegations over such a length of time.

35. Again the Commissioner has borne in mind the subsequent discovery of information and the criticism laid against the council by the Tribunal. Clearly this would have had some effect on the nature of the correspondence which the complainant sent to the council.

36. However the Commissioner considers that the council has correctly identified features of previous requests made by the complainant that would have the effect of harassing members its staff:

- The volume and frequency of correspondence
- The use of derogatory or accusatory language against specific officers

- An unreasonable fixation on individual members of staff, treating a non-response from those members as evidence of guilt, or of gagging by the council
 - The mingling of requests with accusations and complaints.
37. Having considered the correspondence and the arguments of the council the Commissioner is satisfied that the requests, within the context of the history of correspondence between the parties would have had the effect of harassing it and its staff.
- 4) Whether the request can otherwise fairly be characterised as obsessive or manifestly unreasonable
38. The council states that the requests relating to this topic are obsessive and unreasonable. It points out that the ICO has previously concluded that all recorded information has been provided to the complainant who, in turn, continues to expound his theory that fraudulent activity must have taken place. It adds that neither the police nor the Audit Commission has reached the same conclusion and the complainant has failed to supply any evidence of wrongdoing. It therefore considers that it is unreasonable for him to continue bombarding it, its officers and councillors with correspondence which results in those individuals being disproportionately occupied to the detriment of their other duties to the public.
39. It argues that in terms of the obsessive nature of the requests, 29 plus had been submitted by both the complainant and others acting in tandem with him at the time of the request. The complainant's letters are often copied to "interested parties". It argues that no further action has been taken in relation to the sale since the complainant was first deemed to have received all of the recorded information held. It states that subsequent correspondence described as requests by the complainant in fact ask for interpretation of things and, as in these requests why actions did or did not take place. The council provided a schedule showing some of the letters and the intended recipients at the council to the Commissioner.
40. The Commissioner has considered this argument. It is clear from the complaint which was heard by the First-tier Tribunal that its view was that the council had not carried out proper searches when looking for information it held in that case. The tribunal said:

"The tribunal notes the repeated assertions by NEDDC to [the complainant] that he has had all relevant information when it is plain that he had not. Additionally they construed the information request as asking for explanations when it also asked for clearly identified

documentary evidence. The Tribunal does not consider that there is evidence that NEDDC have deliberately withheld the information since the fact of the evaluation is apparent from the face of the report, however, it does conclude that NEDDC has given scant attention to this information request."

41. Clearly in cases where a complainant recognises that his requests are not being dealt with appropriately this may raise their persistence in making requests to obtain the information they are asking for. At the limits, this persistence may appear to be obsessional when in fact the complainant is merely seeking to have their requests taken seriously and that proper regard given to them. Clearly inadequate refusals issued by an authority are likely to increase the amount of correspondence generated by the complainant as he seeks to assert his rights. It may also anger a complainant to the point where his language or manner become less than temperate. It may also lead a requestor to reach a conclusion that the council has something to hide. The Commissioner has therefore borne this in mind when making his decision.
42. In spite of the above the Commissioner is satisfied that the council has reached a point where, despite inadequacies of its responses, it is struggling to cope with the burden of the numerous requests and complaints it has received. Its employees are also likely to feel harassed and beleaguered by the barrage of requests and correspondence, the allegations made against them personally and the complaints made to their respective professional bodies.
43. Whilst the Commissioner can understand how the council's inadequate previous responses may have contributed to the situation developing, he considers that the requests and correspondence have reached the point where they have become obsessional rather than persistent.

5) Whether the request has any serious purpose or value

44. The council argues that the requests lack a serious purpose or value. It argues that the Mickley land sale has been scrutinised by the Audit Commission, the police, the media and internal auditors and has not produced any outcome which would lead to a suggestion that the transaction should raise concern. The council therefore contends that there is a no wider public interest to be served by the continuance of such requests and that there no serious value or purpose to them.
45. The council argues that a review by the chief financial officer of the council was carried out into the circumstances of the case. It found no issues of gross incompetence, fraud or corruption, and that no officer should be disciplined for their actions relating to the sale. In essence it

found that the sale occurred at the price that it did because the purchaser submitted the only offer in an open tender procedure.

46. The complainant and others have however raised questions about the reliability of the report and of the officer who wrote the report. They question whether the report should have been carried out independently, by an external assessor. The Commissioner notes that the report was not independent from the council, and he has also noted that its findings left some questions unanswered. For instance some of the presumptions or the acceptance of facts by the reviewer have been questioned and criticised by a local councillor, such as the initial valuation of the property by the council's valuator. A councillor also raised issues about the reviews response to the failure of the council to obtain planning permission prior to the land being sold. This would have been likely to have raised the value of the land significantly and potentially the number of tenders it received for the land. This would have lessened the cost to the public purse. In the councillor's view the report simply accepted or provided unlikely explanations for this or did not properly consider the arguments against the council's approach. This is reported in council minutes.
47. The Commissioner notes that the Audit Commission, the Police and The CIPFA were informed of the situation but that no action has resulted in respect of this. In effect the necessary information has already been disclosed for the organisations responsible for independent oversight of the deal to take action over the sale if it warranted such an intervention. The Commissioner also considers it important to note that the initial sale of the land occurred in 2005, over 7 years ago. There has been adequate time for action to have been taken should the situation have warranted it.
48. The Commissioner accepts that the requests did have a serious purpose and value, however this has weakened over time and as further detail and information have been made available through public scrutiny and the disclosure of information in response to requests. The Commissioner considers that the failure to find information relevant to any fraud or negligence over this period of time, and through the disclosure of this information has weakened the purpose and value of these requests significantly.
49. The Commissioner has considered all of the above, and the context in which the complainant's requests have been made. The Commissioner recognises from the outset that this is an important matter of public trust into the council's management of tax payers' money and land and its financial management of tax payers money. There is therefore no question that the complainant's requests had a serious value and purpose at the start of his correspondence. The Commissioner is of the

view however that the complainant will continue to make requests, accusations and complaints about the authority in an attempt to prove that his theory is correct. The Commissioner considers that the burden which has been placed upon the council in responding to these long running complaints is significant, and in the time since the request was received he notes that the complainant has gone on to make many further requests and complaints to the council.

50. The Commissioner has not considered whether the allegations behind the complainant are correct. It is not his place to do so. He has taken into account that the complainant has raised issues of concern with the council, and it is his view that it was perfectly reasonable for the complainant to request information relating to this matter in the first instance as a concerned tax payer.
51. However the Commissioner is also satisfied that once the council had responded to these initial requests and complaints, and complaints had been issued to independent regulatory authorities the continuance with the correspondence to this level became unreasonable. In his correspondence and complaints after that point the complainant has sought to prove his theories in spite of independent oversight, and regardless of the fact that the council had already sought to answer concerns over the issue and allay his concerns over the transaction. It is important to note that even where councillors have questioned the review, they have also stated that they do not believe that any fraudulent activity took place. The minutes of the relevant meeting record one councillors statement as:

"I have never personally thought fraud was involved and there is clearly no evidence whatsoever to suggest that it had. Nor do I wish to see officers or members pilloried for what was self-evidently a very poor commercial transaction. Whatever money has been foregone can never be regained for the public purse but in the interests of transparency and public trust I do think the council could accept that in this instance it erred"

52. From the point that the police and other regulators decided that no action should be taken, further correspondence of the nature which the complainant sent to the council would have caused a significant and unreasonable burden on the authority. It would also have had the additional impact of harassing individual officers within the council.
53. Once the council had responded to his initial requests, any further concerns which the complainant had should have been made to the police, the Audit Commission and other relevant regulators such as the Local Government Ombudsman. The continued use of the Act or the Regulations to try to prove or provide evidence towards his theory, in

spite of the evidence to the contrary, shows an obsessive rather than a persistent line of questioning. Similarly the use of correspondence to individual officers asking for similar or the same information was likely to add to the burden upon the authority and increase harassment felt by the individual officers. Letters accusing individual officers of lying or of fraud, and requesting details of any professional organisations which the officers are members of would also have had the effect of harassing and potentially causing distress to those individuals.

The subsequent discovery of information

54. Although the discovery of further information by the First-tier Tribunal came after the date that these particular requests were received the Commissioner considers that it does shed light on the facts of the situation at that time. The council was stating that the complainant had been provided with all of the relevant information however the complainant was, in this case, rightly suggesting that that was not the case, and that the council had not given his requests due attention.
55. The Commissioner notes that during the appeal there was a disclosure of a small amount of further information to the complainant which the council had initially stated did not exist. Further, the tribunal criticised the council for its failure to properly search for documents falling within the scope of the complainant's requests, and for not giving due attention to his requests.
56. Whilst the Commissioner notes the criticisms he also notes that the tribunal stated that after the disclosure it was satisfied that all relevant information was held on a paper file, and that all of the information had now been disclosed to the complainant. In effect therefore the Commissioner is satisfied that this element of the searches has now been carried out.
57. The Commissioner recognises, and takes into account the criticism of the council by the tribunal, and notes that this may have had an effect upon the number of the requests which the complainant made and the manner in which the complainant has written to the Council. However the extent of the correspondence and its nature leads him to conclude that the requests in this case are manifestly unreasonable.
58. Although the council may have failed to respond to all of the complaints in the manner in which it should have, he is satisfied that for the purposes of the requests in this case that the council has properly addressed the issue and that its application of Regulation 12(4)(b) is warranted. He considers that the discovery of the additional information does not override the ability of the council to claim that the

complainant's requests are vexatious where its evidence is very strongly in favour of the exception applying.

59. In conclusion, given the nature of the correspondence, the number of requests made and the situation overall the council was correct to apply Regulation 12(4)(b) to the requests in this case.
60. The Commissioner has therefore gone on to consider the public interest test required by Regulation 12. The test is whether the public interest in maintaining the exception outweighs the public interest in the information being disclosed. The Commissioner has taken into account the presumption of disclosure provided by Regulation 12(2).

The public interest in the information being disclosed

61. The central arguments in favour of the exception being overruled and the council being required to respond to the requests in this case is to create greater transparency and accountability for the decisions leading to the sale of the land. The land sale has clearly left many considering that there may have been negligence or fraud by the council or individual officers.
62. The Regulations were partially designed to increase public access to information, and through this to increase public trust in the authorities caught by them. A disclosure of information would aid in creating that trust.
63. The Commissioner accepts many of the arguments submitted by the complainant as regards his reasons for making the requests. He has clearly been frustrated by the council's responses and this has in itself led to further correspondence being generated.
64. He also considers that the nature of the sale, and the criticism of the review which was carried out will have left many members of the public with doubts about the sale.

The public interest in the exception being maintained

65. In spite of the above arguments, the Commissioner must bear in mind that there is a strong public interest in protecting an authority and its staff from a barrage of requests. It is clear that even where an authority may have made an error or carried out a "poor commercial transaction" it should not be incumbent upon it to respond to repeated allegations, insinuations and requests to the point where detriment occurs to its ability to carry out its functions. Neither should its staff face such direct criticism where there is no clear evidence that staff have been negligent or otherwise when carrying out their duties.

66. The Commissioner therefore considers that it is fairly clear that even if the authority were to respond to these requests the complainant would not consider this the end of the matter, and that he would submit further requests for information on this matter to the council.
67. The Commissioner accepts that the complainant disbelieves the council's review, and that his questions have sought to delve deeper into the transaction to uncover whether any fraudulent or negligent activity has occurred. Because the council paid inadequate attention to his requests and his calls for an independent review this this has strengthened this belief further.
68. The Commissioner notes however that one of the councillors who, at least in part, may support further questions being asked has publicly stated that he does not consider that fraudulent activity has taken place. He also stated that he considers that regardless of the outcome of any independent review, public money could not be recouped.
69. The Commissioner notes the council's failure to properly respond to the complainant's request, or to the Commissioner during his inquiries during the previous case, and to the Tribunal's approaches initially during the course of the appeal. It is clear however that the Tribunal's public censure of the authority in this respect should mean that future requests are considered appropriately.
70. The Commissioner also accepts the complainant's argument that his manner and the volume of his correspondence have been driven in part by the council inadequately addressing his previous requests for information.
71. However the above are side considerations to the question which the Commissioner must actually consider in this case. The question which the Commissioner must consider is whether the public interest in allowing the complainant to continue with his questioning of the details and minutia of the sale outweighs the effects that this is having on the resources of the council, on the public purse and on the effect this may be having on council officers personally. The Commissioner's decision is that it does not.
72. The Commissioner's decision is therefore that the council was correct to apply Regulation 12(4)(b) in this case.

Right of appeal

- 6) Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

- 7) If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
- 8) Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Requests for information

FS50436888

27 January 2012

"On the basis of these communications, I now submit an official freedom of information request for copies of all relevant documentation relating to the Mickley land sale in which you were instrumental in supporting NEDDC's [name redacted] and the NEDDC's Audit & Corporate Governance Scrutiny Committee's decisions. I refer you to my letter dated 26.11.2011 and to your unhelpful response of 2.12.2011, which have been copied to ICO and the police."

FS50440374

11 October 2011

N.B. If documents exist which give 'reasons' for the A & CGSC decision taken, then may I request these are made available to me via the Freedom of Information Act.

FS50436741

27 January 2012

I now submit a freedom of information request for the reasons for such a decision being taken, along with a request to be able to scrutinize any relevant documentation relating to that decision, thus identifying at the same time, any officers or elected members who promoted and supported the silence.

FS50436742

27 January 2012

Under the Freedom of Information Act arrangement, I now submit a request to be supplied with the following information: (Refer to my letters dated 28.8.2011 and 10.12.2011)

Please provide the reason(s) why, on 25.8.2011, at the A&CGSC meeting, and agenda was provided (index3) which clearly listed "page No 6", Minute No 79: Mickley: Sale of Council land", yet this issue was never even mentioned, raised or debated let alone apologised over! This issue was totally obliterated! WHY?

What situation or which NEDDC personnel intervened in order to have this Mickley land sale nullified and what reasons were provided and documented for doing so?

Reference: FS50436741, FS50436742, FS50436888, FS50440374



Please supply the relevant information with relevant documentation.”