



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

Tribunal Reference: EA/2013/0009
Appellant: James Campbell
Respondent: The Information Commissioner
Judge: NJ Warren
Member: J Blake
Member: M Clarke
Hearing Date: 12 April 2013
Decision Date: 8 May 2013

DECISION NOTICE

1. This appeal originates in some difficulties experienced by Mr Campbell in the course of building work carried out close to land owned by the Northern Ireland Housing Executive (NIHE) and to Mr Campbell's home. He was dissatisfied with the results of a request he made to the NIHE under the Freedom of Information Act (FOIA) and complained to the Information Commissioner (ICO).
2. The ICO decided that NIHE had disclosed all information relevant to Mr Campbell's request except for the final sentence of an email which had been correctly withheld under section 40(2) FOIA. This exemption deals with information which is the personal data of a third party. Mr Campbell has appealed against the ICO decision and both sides were content for us to reach a decision on the papers.
3. Most of the grounds of appeal complain of inadequacies in ICO administration. These are not matters upon which we can adjudicate. In a letter to the Tribunal dated 7 March 2013 (page 38) Mr Campbell accepts that he would have no objection to those grounds being struck out. He says he wishes "to concentrate and

pursue my complaint” about the redaction under Section 40(2). (In fact when the bundles were delivered Mr Campbell objected to the absence of his correspondence complaining about deficiencies in the service received by the ICO. The Tribunal therefore obtained and read this correspondence. We note that the ICO has acknowledged shortcomings in its treatment of Mr Campbell’s complaint.)

4. Turning to the Section 40(2) issue, Mr Campbell’s complaint in his letter of appeal is that the ICO had not apparently looked at the redacted material. In reply the ICO stated that in fact they had seen it. Mr Campbell expresses his dismay that there should be material from a third party held by NIHE on a file in connection with its dealings with him which he is not allowed to see.
5. We have looked at the redacted information. This has not been disclosed to Mr Campbell because to do so would defeat the object of the proceedings. We have also looked at an unredacted copy of page 67 of the bundle. This contains argument so inextricably linked to the disputed information that, for similar reasons, it cannot be disclosed to Mr Campbell either.
6. In answer to Mr Campbell’s general concerns, it might be helpful for him to know that, in our judgement the material that has been withheld would not have altered the approach adopted by NIHE in the course of the building dispute. In response to Mr Campbell’s specific concern about the lawfulness of the redaction, we confirm the decision of the ICO. In our judgement, for the reasons given by the ICO, it was correct to redact the sentence under Section 40(2) FOIA.
7. For these reasons we dismiss the appeal.

[Signed on the original]

NJ Warren
Chamber President

8 May 2013