



**FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
INFORMATION RIGHTS**

Tribunal Reference: EA/2013/0024
Appellant: Kevin Scranage
Respondent: The Information Commissioner
Judge: NJ Warren

DECISION NOTICE

1. Mr Scranage used to work for Rochdale Borough Council (the Council). He has asked them to provide copies of emails received into his work account. Mr Scranage has complained to the Information Commissioner (ICO) about the Council's handling of his request. He says that although some emails have been disclosed, many have not. He now appeals to the Tribunal against the decision issued by the ICO on 22 January 2013.
2. In describing the result he is seeking from the Tribunal, Mr Scranage asks for two named council employees to be sacked or jailed; a formal statement of rebuke; a fine; and damages. The Tribunal has no power to give any of these remedies.
3. Additionally, Mr Scranage says that he wants access to all the emails in his email account, not merely those supplied so far.
4. Sometimes a Tribunal does have power to direct under the Freedom of Information Act (FOIA) that further information be disclosed. The Tribunal has no such power, however, under the Data Protection Act (DPA). So although Mr Scranage understandably enough states that it doesn't matter to him which statute applies, that question does affect the powers of the Tribunal to give Mr Scranage a remedy.

Appellant: Kevin Scranage**Date of decision: 25 April 2013**

5. Crucial to this appeal is that the emails requested by Mr Scranage are his personal data. The requestor's personal data are absolutely exempt from disclosure under FOIA. Instead the DPA applies.
6. It is really impossible to argue that the contents of Mr Scranage's email account are not his personal data – and Mr Scranage does not seek to do so. It follows that the request must be dealt with under the DPA which means that the Tribunal is unable to assist Mr Scranage.
7. The ICO has asked for the appeal to be struck out. I agree that the appeal which Mr Scranage has lodged has no reasonable prospect of succeeding and that it is right to bring it to an end now by granting the application to strike out.

(Signed on the original)**NJ Warren****Chamber President****Dated 25 April 2013**