



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

Tribunal Reference: EA/2013/0181
Appellant: Peter Bolton
Respondent: The Information Commissioner
Judge: NJ Warren

DECISION NOTICE

1. The Information Commissioner (ICO) has applied for this appeal to be struck out on the ground that it has no reasonable prospect of success. Having considered all the papers including representations from Mr Bolton I have concluded that the ICO case is unanswerable and that it is right for me to bring the proceedings to an end now by striking out the appeal. I would be doing no one any favours by allowing them to continue.
2. Mr Bolton asked the East Riding of Yorkshire Council (“the Council”) for documents showing that one of its officers made clear to the Council that she was married to another senior officer. The Council refused the request on the ground that this information was exempt because it was personal data. Mr Bolton complained successfully to the ICO. The ICO ruled that the answers given by the officer to questions relevant to this issue on job application forms should be disclosed.
3. Mr Bolton appeals asking the Tribunal to order the disclosure in full of the job application forms but as the ICO points out, this is to extend the scope of his original request. It is not something that the ICO could have entertained on a complaint about the original request; nor can the Tribunal entertain it now.

Appellant: Peter Bolton**Date of decision: 19 September 2013**

4. Mr Bolton says that he also seeks an amendment of a ruling in another case he took to the Tribunal 18 months ago to the effect that the Data Protection Act will not apply “should there be evidence of nepotism or discrimination tainting the recruitment process”. This is not something which is properly before the Tribunal.
5. For these reasons I agree with the ICO application and the appeal is struck out.

NJ Warren

Chamber President

Dated 19 September 2013