



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

**Tribunal Reference:** EA/2014/0044  
**Appellant:** Stephen Massil  
**Respondent:** The Information Commissioner  
**Judge:** NJ Warren

**DECISION NOTICE**

1. Thirty-five years ago the Municipal Library at Pau in France collaborated with L'Académie de Béarn to mount an exhibition. Exhibit 345 was a book of condolence signed by 108 residents of or visitors to Pau on the death of Prince Albert in 1861. The catalogue describes its provenance as being 'Foreign Office'.
2. On 17-2-13 Mr Massil made a request under the Freedom of Information Act (FOIA) to the Foreign and Commonwealth Office (FCO). He wanted to know the "whereabouts (and perhaps identity)" of the exhibit. After searches, the FCO concluded on the balance of probabilities that it did not hold the information. Mr Massil complained unsuccessfully to the Information Commissioner (ICO) and now appeals to the Tribunal against the ECO Decision Notice.
3. Mr Massil seeks as the outcome of his appeal sight of the exhibit or failing that, a clear explanation of what happened to it. He says he also expects the FCO to make a public attempt to recover other similar volumes subscribed in its embassies and consulates across Europe in 1861.
4. The ICO has applied for the appeal to be struck out on the ground that it has no reasonable prospect of success – although the phrasing of its request is a little obscure. Mr Massil has been asked to comment and has replied to say that he has in substance done so.

**Appellant: Stephen Massil****Date of decision: 17 April 2014**

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5. As the ICO points out, the Tribunal cannot assist Mr Massil with his request for an explanation of what exactly has happened to the exhibit; nor can it consider other volumes outside the scope of his request. As to whether the FCO holds the information, the ICO has described in detail in his decision notice the unavailing efforts made by the FCO to trace the exhibit. In my judgement, it would be perverse for any Tribunal to decide, on the material before it, that the FCO does indeed still hold the exhibit.
  
6. The appeal has therefore no reasonable prospect of success and I would be doing no favours to anyone by permitting it to continue. I therefore bring it to an end by striking it out.

**NJ Warren**

**Chamber President**

**Dated 17 April 2014**