



**IN THE MATTER OF AN APPEAL TO THE FIRST-TIER TRIBUNAL  
(INFORMATION RIGHTS)**

**EA/2015/0068**

**B E T W E E N:-**

**STEVE SANDERS**

**Appellant**

**-and-**

**THE INFORMATION COMMISSIONER**

**Respondent**

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**Tribunal**

**Brian Kennedy QC  
Jean Nelson  
Michael Jones**

**Hearing:** 31 July 2015,  
**Location:** Field House, London..  
**Decision:** Appeal Refused.

**Appearances:**

Appellant as Litigant in person.

**Subject Matter:** Disclosure of the requested information and maintaining the exemptions, under section 14(1) and (40)(5)(b)(i) (vexatious requests).

**Result:** Appeal Refused.

## **Introduction:**

- 1] This is an appeal against a Decision Notice (“the DN”) and issued by the Information Commissioner (“the Commissioner”) dated 27 January 2015, (Reference FS50558542) involving the Ministry of Justice (“the MoJ”). The DN related to a request for information made to the on 17 September 2014.

## **Background:**

- 2] The background to the request is the culmination of a dispute with a long history, which this Tribunal has heard in detail, between the Appellant and the MoJ, principally about a member of court staff and the way in which the Appellant’s complaints relating to the conduct of this employee of the MoJ and the conduct of any investigation by the MOJ were dealt with. The Tribunal took time to hear the detail of the Appellants history and the serious grievance he maintains he has. He portrays a history of alleged abuse by a member of court staff and an alleged attempt or attempts by court service and the MOJ of an alleged “cover up” of that alleged abuse and/or alleged failure to properly deal with his complaints. Although we have only heard the Appellants detailed account and have no reason to disregard his concerns, as we explained, the Information Rights Tribunal is not the forum to seek specific redress for such complaints. The issue for us to decide is whether or not he has persuaded us that the Commissioner erred in coming to the conclusion he reached in his DN set out at pages 1 – 10 of the Open Bundle (“OB”) before us.

## **REASONS:**

- 3] The Commissioner set out clearly in the DN the nature and extent of the request and identified the scope of the request. He then provided his reasoning for his Decision on whether or not the MoJ had correctly relied upon section 14(1) at paragraphs 8 to 37 of the DN.
- 4] The Grounds of appeal are set out at pages 14 – 25 of the OB and are addressed by the Commissioner in the Commissioner’s Response dated 23 March 2015 at pages 26 to 34 of the OB. His Response which, in our view properly, deals in detail with the grounds of appeal, his analysis and reasoning for rejecting each of those grounds are set out clearly from paragraph 16 on page 30 to paragraph 28 on page 34 OB. The Appellant has provided us with further oral submissions at the hearing, which he included in further (undated) written submissions, which the Tribunal reconvened to consider carefully and deliberate upon on 7 January 2016. Neither party attended. The Appellant has not persuaded us that the Commissioner erred in the reasoning in his DN as supported by the assertions and submissions in his Response to the Grounds of Appeal. Accordingly in relation to the material and relevant issues raised in this specific appeal we accept and adopt the Commissioner’s reasons for the decision that the MoJ correctly applied section 14(1) to the request of 17 September 2014 by the Appellant and we dismiss the Appeal.

- 5] We looked carefully at the history of correspondence and exchanges between the parties and we agree with the Commissioner that the key question to be considered when weighing up whether this request was vexatious is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress. Having considered all the papers and the submissions made before us, we agree with the Commissioner's assessment and conclusion in this regard.
- 6] We note that the Appellant makes serious allegations of misconduct and matters that call into question MoJ's ability to deliver Justice when it is the subject of litigation in its own courts but do not accept that the purpose or value of the request is directly related to these allegations, particularly in circumstances where the Appellant has made similar previous requests over a number of years. The Commissioner has considered carefully the facts that relate to previous similar request to the MoJ and their response to his inquiries on that very important aspect of their reliance on section 14(1).
- 7] We do not accept the Appellant's assertion that the Commissioner "*deliberately withheld*" documentation until after it had completed its investigation. All relevant documentation was dealt with in the usual way by the Commissioner and was carefully considered by the Commissioner when he considered the "Dransfield" guidance on what constitutes a vexatious request.
- 8] We have looked carefully at all of the detailed papers in the OB and in the submissions made by the parties and in all the circumstances of this case are not persuaded that the Commissioner erred in the reasoning in his DN.
- 9] Accordingly, we dismiss the Appeal and uphold the Commissioner's DN.

Brian Kennedy QC  
22 February 2016.

Promulgated  
2nd March 2016