



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

Tribunal Reference: EA/2013/0205
Appellant: David Lovatt
Respondent: The Information Commissioner
Judge: NJ Warren

DECISION NOTICE

1. Mr Lovatt has put in a complaint about the treatment he received as a result of consulting a GP. He has now asked the NHS for a copy of the doctor's recent appraisal of the GP. This has been refused. Mr Lovatt has complained unsuccessfully to the Information Commissioner (ICO) and he now appeals to the Tribunal. The ICO has applied for the appeal to be struck out.

2. I entirely agree with and accept the submission made by the ICO to the effect that Mr Lovatt's appeal cannot succeed.

3. It seems that Mr Lovatt appreciates that it would be unfair for him to see the full appraisal because he says in his letter of appeal:-

“I am appealing under the DPA only”.

DPA means Data Protection Act. He considers that there may be personal data relating to him within the appraisal.

4. I have read the appraisal, which has not been disclosed to Mr Lovatt and I can confirm, as does the ICO that it does not contain his personal data. In any event, this Tribunal has no jurisdiction in respect of ordinary “subject access requests” for personal data under the DPA. So there is nothing the Tribunal can do to help Mr Lovatt there.

Appellant: David Lovatt**Date of decision: 28 October 2013**

5. The appraisal does of course constitute the personal data of the GP but it is inevitable that a Tribunal would conclude that to make that appraisal public would be a breach of the Data Protection Principles. As I say, Mr Lovatt seems to accept that.

6. I would be doing no one any favour therefore in allowing this case to continue and it is right that I should bring it to an end by striking out the appeal. Insofar as the appeal seeks his own personal data, then the Tribunal has no jurisdiction. Insofar as Mr Lovatt seeks the personal data of the GP, then the appeal has no reasonable prospect of success.

NJ Warren

Chamber President

Dated 28 October 2013