



NCN: [2022] UKFTT 00488 (GRC)

Case Reference: EA/ 2022/0226 GDPR

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

Heard: by determination on the papers
Heard on: 21 December 2022
Decision given on: 29 December 2022

Before:
Judge Alison McKenna

PETER WEBB

Appellant

- and -

THE INFORMATION COMMISSIONER

Respondent

**DECISION
on Strike Out Application**

1. The Appellant's Notice of Appeal dated 19 August 2022 is struck out for want of jurisdiction.

REASONS

2. On 14 September 2022, the Information Commissioner, applied for a strike out under rule 8 (2)(a) on the basis that the Tribunal has no jurisdiction to determine the appeal. This was because: (i) it has wrongly been categorised as a Data Protection appeal when it actually relates to FOIA; (ii) the s. 14 FOIA matter to which it refers is already the subject of another appeal; (iii) whilst the Appellant complains of being subjected to a 'blanket ban' by the public authority, this has not been the subject of a Decision Notice and so cannot be appealed.

3. In its reply dated 27 September 2022, the Appellant accepts that the s. 14 FOIA appeal is ongoing. As regards the 'blanket ban', he feels that the Information Commissioner should be taking action on his behalf. The Information Commissioner offered him some advice on this matter by email dated 30 September 2022, but there has clearly been no determination as yet which engages the jurisdiction of this Tribunal.
4. I am grateful to the parties for their assistance to the Tribunal in getting to the bottom of this matter. In all the circumstances, I have concluded that the Tribunal has no jurisdiction to determine this appeal and so it must be struck out under rule 8 (2) (a). I direct accordingly.

(Signed)

Dated: 21 December 2022

Judge Alison McKenna

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