



**First-Tier Tribunal  
General Regulatory Chamber  
Information Rights**

**Appeal reference: EA/2022/0090**

**Before**

**Tribunal Judge Lynn Griffin  
Sitting in chambers  
17 October 2022**

**Between**

**ALAN DRANSFIELD**

Appellant

-v-

**INFORMATION COMMISSIONER**

First Respondent

**DECISION**

The appeal is struck out under rule 8(2) of The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 because this tribunal does not have jurisdiction to consider it and I decline to exercise the discretion to transfer the case to another court or tribunal.

**REASONS**

1. The Tribunal received documents attached to an email from Mr Dransfield in which he states

*Please see the ICO response to my FOI request which has been refused under section 52. (c). I am not satisfied with the ICO and I claim my request to the ICO has been refused unlawfully and I do state the ICO are breaching section 77 of the said act. I now wish to elevate my complaint to the FTT.*

2. The documents date from 15 March 2018, 6 May 2020 and 5 April 2022. The 3 letters attached to the email relate to the Information Commissioners reference numbers as follows

**1 IC-37786-K7R7**

- 2 **FS50700840 – Greater London Authority**  
**FS50702695 – Information Commissioner’s Office**  
**FS50716487 – Ministry of Justice**  
**FS50719510 – London Legacy Development Corporation**  
**FS50719521 – Cheshire West and Chester Council**

**3 IC-163846-L5Q9**

1. On 13 April 2022 I informed the parties in directions that I was proposing to strike out this appeal because this tribunal has no jurisdiction to deal with it. Rule 8 of The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 states as material

*8(2) The Tribunal must strike out the whole or a part of the proceedings if the Tribunal –*

- (a) does not have jurisdiction in relation to the proceedings or that part of them; and*
- (b) does not exercise its power under rule 5(3)(k)(i) (transfer to another court or tribunal) in relation to the proceedings or that part of them.*

2. Pursuant to rule 8(4) I gave Mr Dransfield an opportunity to make representations in relation to the proposed striking out and pointed out that the Tribunal would be assisted by his submissions identifying the power this Tribunal has to deal with the matters he raises. Any representations were due to be made by 5pm on 29 April 2022.
3. Mr Dransfield wrote to the tribunal on 19 April suggesting that he would respond in full by the deadline and suggesting that if permission to appeal in EA/2019/0227 were granted then that would reflect on any decision to strike out his appeal.
4. No further submissions have been received from Mr Dransfield.
5. On 19 July 2022 the Upper Tribunal refused Mr Dransfield permission to appeal and certified that his position was totally without merit.

6. As indicated to Mr Dransfield by the Information Commissioner all the matters he raises relate to the Commissioner having declined to investigate Mr Dransfield's complaints pursuant to s50(2)(c) Freedom of Information Act 2000. Mr Dransfield was informed that if he wished to challenge the decision the appropriate route was to seek a judicial review in the Administrative Court, part of the King's Bench Division of the High Court, not to complain to this tribunal. In short, this tribunal has no power to intervene or to make any order as regards his dissatisfaction with the way his complaints have been treated by the Information Commissioner.
7. Moreover, this Tribunal does not have an oversight function in relation to the Information Commissioner's Office and does not hold them to account for their internal processes. The Parliamentary and Health Service Ombudsman is the body which has that function. I express no opinion one way or another about whether this appellant can or whether they should raise the issue with the Ombudsmen; that is a matter for Mr Dransfield, about which this Tribunal cannot advise him.
8. I conclude that this tribunal has no jurisdiction to deal with Mr Dransfield's appeal.
9. I have considered whether to exercise my discretion to transfer this case to the High Court or other appropriate court or tribunal. However, bearing in mind the paucity of information from the appellant and given the potential costs of such litigation it seems to me that whether to embark on a High Court case is more appropriately a question for the appellant having taken such legal advice as he wishes. There is no other court or tribunal to whom the case could be appropriately transferred.
10. In the light of my conclusion in paragraphs 8 and 9, acting in accordance with rule 8(2), I must strike out these proceedings.

*Lynn Griffin*

**Tribunal Judge Lynn Griffin**

**Dated:** 17 October 2022