



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

EA/2012/0163

BETWEEN:

IAN BELCHAMBER

Appellant

and

THE INFORMATION COMMISSIONER

Respondent

The Tribunal's Decision on an application for permission to appeal

1. This application is made pursuant to Rule 42 of the Tribunal Procedure (First Tier Tribunal) (General Regulatory Chamber) Rules, 2009.
2. The Tribunal declines to review this decision pursuant to Rule 44 because it is not satisfied that an error of law is involved, as required by Rule 44(1)(b).
3. Permission to appeal, pursuant to Rule 43(2) is refused.
4. The sole issue for determination was whether the request recited at paragraph 4 of our Decision was vexatious.
5. In reaching our conclusion that it was vexatious, we had regard to the terms of the request, the history of previous requests (the number of which, extending over eight years, was plainly very considerable, whether or not it reached 4000) and, the general tenor of the Appellant's approach to the Dorset Constabulary in relation to his campaign against speed cameras. That included material on his website, to which he

invited our attention, and submissions to the Tribunal, such as those quoted. The further e mail sent to the Tribunal on 19th. January, 2013, after communication of the Tribunal`s decision, is of a similar character but the Tribunal has disregarded it in refusing permission, since it post – dates the Decision and did not therefore influence it.

6. We considered that such material is a legitimate consideration in determining the character of the request, where it reinforces the impression that the object of the request is to harass an authority remorselessly into changing the offending policy rather than to obtain information relevant to arguments which may induce a change of policy by persuading the public authority of, or awakening public opinion to the merits of the Appellant`s case.
7. A critical factor in distinguishing between the two objectives is the plain indication to be derived from the history of demands and requests, together with the further material referred to, that no reply from the authority, short of a declaration of surrender, would staunch the flow.
8. We did not perform the ritual of applying each of the ICO`s criteria, useful as they are. In this case we focussed on the apparent purpose of the request, taken in the context of all the other matters identified above. Despite its terms, we did not consider that it was really the obtaining of information but a further tactical step in a political campaign, whether or not realistic, to force acceptance of the Appellant`s stance on speed and speed cameras in the interests of a quiet life rather than of public safety. The plain implications of impropriety, indeed dishonesty in his e mails, quite unsupported by credible evidence, reinforce that perception.
9. For the avoidance of doubt, the tribunal was and is not in any way concerned with the merits of the Appellant`s views on the importance of speed as a cause of road accidents nor on the use and economic value of speed cameras. He is perfectly entitled to hold those views and to promote them by all legitimate means. Such means do not, however, include the use of FOIA, in the manner evidenced on this appeal.
10. For these reasons this application is refused.

11. The Appellant may apply to the Upper Tribunal for permission to appeal against the Decision. Under rule 21(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008 as amended, the Appellant has one month from the date this ruling is sent to him to lodge an appeal with the Upper Tribunal (Administrative Appeals Chamber)
5th Floor Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL. Further information about the appeal process is available on the Upper Tribunal's website at:

<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/aa/index.htm>

David Farrer Q.C.

Tribunal Judge

4th February, 2013