



Case Reference: EA-2023-0394
Neutral Citation Number: [2024] UKFTT 87 (GRC)

First-tier Tribunal
General Regulatory Chamber
Information Rights

Before

TRIBUNAL JUDGE BUCKLEY

Between

SP

Appellant

and

THE INFORMATION COMMISSIONER

Respondent

JUDGE BUCKLEY

Sitting in Chambers
on 22 January 2024

DECISION

1. The appeal is struck out.

REASONS

2. This is an appeal against a decision notice of the Information Commissioner brought under the Freedom of Information Act 2000 (FOIA) in relation to a

decision made by the Commissioner under the Environmental Information Regulations 2004 (EIR).

3. In his grounds of appeal the appellant states that he is seeking the disclosure of his own personal data, which he believes should be supplied in accordance with the Data Protection Act 2018.
4. There is no challenge to any of the Commissioner's conclusions in the decision notice in relation to third party data.
5. Although the appeal purports to challenge the Commissioner's decision in relation to his personal data, there is no arguable challenge where the appellant agrees that the information requested is his personal data. The duty under Regulation 5(1) to make environmental information available under EIR does not apply to a requestor's personal data. Regulation 5(3) provides:

(3) To the extent that the information requested includes personal data of which the applicant is the data subject, paragraph (1) shall not apply to those personal data.
6. For those reasons there is no prospect of the appeal succeeding. The tribunal has no jurisdiction to consider whether or not the appellant's personal data should have been provided to him by the public authority.
7. On that basis the appeal is struck out under rule 8(2)(c) on the grounds that it has no reasonable prospects of success.
8. Separately I have made a temporary order under rule 14(1) preserving the appellant's anonymity until 1 March 2024, because I understand that there may be an outstanding application for anonymity.

Signed Sophie Buckley

Judge of the First-tier Tribunal

Date: 26 January 2024

Promulgated on 29 January 2024