



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

**Tribunal Reference:** EA/2013/0105  
**Appellant:** Gordon Hackett Bell  
**Respondent:** The Information Commissioner  
**Judge:** NJ Warren

**DECISION NOTICE**

1. The Information Commissioner (ICO) has applied to strike out the appeal and Mr Bell has replied to that application.
2. Having carefully read all the material before the Tribunal, I have formed the view that the ICO case is unanswerable. It is obvious that the information requested of the BBC by Mr Bell is held by them for the purposes of journalism. It is therefore outside the Freedom of Information Act.
3. Mr Bell does not really seek to suggest otherwise. Indeed, he complains about the BBC's approach to what is newsworthy and what is not. He argues that he wants "to have common sense prevail" and that the BBC must not be allowed to circumvent the act for the purpose of suppressing news that is of public interest. However, it is by the very terms of the Freedom of Information Act that the BBC is under no obligation to provide Mr Bell with the information he has requested.
4. Mr Bell has asked for a hearing but I am satisfied that I can deal with the ICO application on the papers.
5. The appeal has no prospect of success. In my judgement it is right to bring it to an end now. To continue the litigation would do no good for anyone.
6. I therefore strike out the appeal.

**(Signed on the original)**

**NJ Warren**

**Chamber President**

**Dated 25 July 2013**