



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

**Tribunal Reference:** EA/2013/0281  
**Appellant:** William Stevenson  
**Respondent:** The Information Commissioner  
**Judge:** NJ Warren

**DECISION NOTICE**

1. I strike out this appeal on the ground that it has no reasonable prospect of success.
2. In January 2013 Mr Stevenson made an information request under the Freedom of Information Act (FOIA) to Monitor. He then complained successfully to the Information Commissioner (ICO) to the extent that Monitor supplied Mr Stevenson with all the information he requested except for one item. That item was a copy of a letter dated 3 June 2010 which passed between two NHS officials. Towards the end of 2013 the ICO accepted an assurance from Monitor that they were unable to trace a copy of that letter. Mr Stevenson now appeals against the ICO decision notice. The ICO has applied for the appeal to be struck out.
3. Mr Stevenson complains that towards the end of 2013 Monitor did hold a copy of the letter because he himself had sent it to them in an attachment to an email dated 22 July 2013. Monitor have expressed their regret that they failed to identify it.
4. Mr Stevenson concedes that Monitor did not hold the information at the date of the request or the date of their review (both of which preceded the date in July when he sent the letter to them.) In those circumstances, the arguments advanced by the ICO in their application for a strike out are unanswerable and it would be an injustice to the public authorities concerned to allow the appeal to proceed.
5. For these reasons the appeal is struck out.

**NJ Warren  
Chamber President**

**Dated 14 February 2014**