



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

Tribunal Reference: EA/2014/0022
Appellant: Simon O'Mahony
Respondent: The Information Commissioner
Judge: NJ Warren

DECISION NOTICE

1. The London Borough of Bromley (“Bromley”) is insisting that Mr O’Mahony should pay the full amount, rather than a discounted amount, of a parking fine even though Mr O’Mahony has convinced a traffic adjudicator that he never received the original notice offering him the discount.
2. Mr O’Mahony asked Bromley for a copy of their policy in respect of circumstances such as these. He was eventually given a reference to a website which described the possibility of accepting a discounting payment “in exceptional circumstances” but was not satisfied with Bromley’s indication that no other information was held.
3. He therefore complained to the Information Commissioner (ICO). The ICO was satisfied by Bromley’s assertions and Mr O’Mahony then appealed to the Tribunal. At this stage he had not seen any of the results of the ICO investigation and in his notice of appeal he indicated that the outcome he was seeking was copies of the correspondence between the ICO and Bromley. The ICO have now supplied these to Mr O’Mahony. The crucial document is a long email written by the “strategy and service development manager” of the parking service which Bromley shares with Bexley Council. It provides detailed answers to twelve questions raised by the ICO.

Appellant: Simon O'Mahony**Date of decision: 19 March 2014**

4. The ICO now asks for the appeal to be struck out on the ground that it has no reasonable prospect of success. In reply Mr O'Mahony widens his request to include a ruling that both Bromley and the ICO have failed to read correspondence; a ruling that Bromley deliberately attempted to avoid responding to his enquiry; a ruling that the only possible interpretation of Bromley's reply to the ICO is that Bromley's policy is to accept the recommendations of the adjudicator; a direction that Bromley gives a full proper and accurate reply to his enquiry; and a direction that Bromley respond promptly to further enquiries.

5. Having carefully read the evidence which Bromley supplied to the ICO, a copy of which Mr O'Mahony now has, I am satisfied that there is no material on which a Tribunal could properly conclude that Bromley holds information which it has not disclosed. It follows that the ICO's case is unanswerable. In my judgement, it would be unfair to the ICO to allow it to proceed and I therefore strike it out on the ground that it has no reasonable prospect of success.

NJ Warren

Chamber President

Dated 19 March 2014