



**First-tier Tribunal  
(General Regulatory Chamber)**

**NCN: [2023] UKFTT 00258 (GRC)  
Appeal Reference: EA.2022.0411.GDPR**

**Decision given on: 7 March 2023**

**INFORMATION RIGHTS**

**Before**

**JUDGE REBECCA WORTH**

**Between**

**LEIGH CARRICK-MOORE**

**Appellant**

**and**

**INFORMATION COMMISSIONER**

**Respondent**

**DECISION AND REASONS**

**Background**

1. By Notice of Appeal dated 05 December 2022 Leigh Carrick-Moore lodged proceedings with this Tribunal about the Information Commissioner's Office ("ICO") reference number IC-187086-B0B1.
2. The Notice of Appeal and supporting documents were sent to the ICO by email on 07 December 2022.
3. In a Response dated 05 January 2023, the ICO invited Ms Carrick-Moore to withdraw her appeal and, as an alternative, applied for the appeal to be struck out. 3 Annexes were attached to the ICO's response.
4. The Tribunal, by email sent on 06 January 2023, invited Ms Carrick-Moore to make representations about the application to strike out. Such representations were due to be with the Tribunal by 20 January 2023, none had been received by 02 February 2023.

Appellant: Leigh Carrick-Moore

Date: 06 March 2023

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The law

5. The Tribunal Procedure rules<sup>1</sup> (“GRC Rules”) provide (as relevant):

**Striking out a party’s case**

8. (1) ...
- (2) ...
- (3) The Tribunal may strike out the whole or part of the proceedings if—
  - (a) ...
  - (b) ...
  - (c) the Tribunal considers there is no reasonable prospect of the appellant’s case, or part of it, succeeding.

Consideration

6. The ICO’s response (which, it appears, is unchallenged by Ms Carrick-Moore is that, on or about 13 December 2022, Mr Carrick-Moore personally received from the Data Processor / Controller the information it held about her. The ICO also wrote to Ms Carrick-Moore to explain what they had done.

Decision

7. It seems to me that there is no Order for the Tribunal to now make – the ICO has made such investigations at it needed to under the Data Protection Act 2018; it happens that they have enabled Ms Carrick-Moore to obtain the personal data that she wanted.

8. Therefore, there is, at the present time, no reasonable prospect of the Tribunal making an Order. The application is, pursuant to rule 8(3)(c) struck out.

Signed *District Judge Worth*

**District Judge Worth, authorised to sit as a Tribunal Judge in the GRC, dated 06 March 2022**

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<sup>1</sup> The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (SI 2010/43) as amended