



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

Neutral citation number: [2025] UKFTT 00207 (GRC)

Appeal Reference: EA/2023/0268

Decision given on: 19 February 2025

Decided without a hearing on 23 January 2025

Before

**JUDGE ANTHONY SNELSON
TRIBUNAL MEMBER PIETER DE WAAL
TRIBUNAL MEMBER JO MURPHY**

Between

DR SHAH ALI

Appellant

and

THE INFORMATION COMMISSIONER

First Respondent

and

THE GENERAL MEDICAL COUNCIL

Second Respondent

DECISION

On considering the written representations of the parties, the Tribunal unanimously determines that the appeal is dismissed.

REASONS

Introduction

1. The General Medical Council ('GMC') describes itself as the independent regulator of doctors, physician associates and anaesthesia associates in the UK.
2. The Appellant, Dr Shah Ali, is a doctor of medicine. On 23 April 2020 he received a suspended sentence of nine months' imprisonment and several other sanctions as a result of having been convicted on 12 December 2019, on a not guilty plea, of dangerous driving.
3. On 9 August 2019 (*ie* after the offence but before the conviction), the GMC suspended Doctor Ali's registration as a medical practitioner on grounds of dishonesty and deficient professional performance. The suspension was lifted on 17 January 2020 and replaced with conditions on his registration, based on deficient professional performance only.
4. In March 2021 the GMC commenced a new investigation into an allegation that Doctor Ali had made an application for employment which was misleading on the matters of his criminal conviction and his GMC registration status.
5. In May 2021 the GMC opened an investigation into a new allegation that Doctor Ali had given false information to the Probation Service about the reasons for an interim suspension of his GMC registration.
6. On 17 December 2021, following hearings in February and May 2021, a Medical Practitioners Tribunal ('MPT') found that Doctor Ali's fitness to practise was impaired by reason of his dangerous driving conviction.
7. Doctor Ali was and remains aggrieved by the actions taken by the GMC in his case and has pursued a campaign against it involving a great deal of correspondence, numerous FOIA requests (17 in the last 20 months) and litigation in the First-tier Tribunal and the High Court. Two appeals to the High Court against decisions of MPTs were roundly dismissed on 29 September 2023, the judgment referring to his arguments and complaints as being variously 'misconceived', 'meaningless or simply incomprehensible' and having 'no merit'. In his written case before us he refers to:

... well over 2,000 correspondences unrelated to this appeal since 2017¹ between the GMC and I, with 5 Fitness to practice (3-self) complaints, three High Court Appeals and potentially future complaints based on the dossier the ICO have received from the GMC but not disclosed to me ...

Also in his written case, he has at least partially acknowledged using insulting and abusive language in pursuit of his campaign. This has included characterising the GMC as defenders of serial killers, accusing it (by

¹ On Dr Ali's case, his 'difficulties' with the GMC date back over the last 10 years.

implication at least) of encouraging individuals to commit or consider suicide and referring to it as 'GMC Gestapo'.

8. In these proceedings, Doctor Ali appeals against the determination of the Commissioner that the GMC had properly declined his request for information made on 6 March 2022 on the ground that it was vexatious.
9. The appeal was listed before us on 23 January 2025 for consideration on the papers, in accordance with Doctor Ali's wishes, to which the Commissioner and the GMC had consented. We were satisfied that it was just and proportionate to determine the matter without a hearing.
10. We had before us a bundle of documents of 391 pages.
11. Having considered the matter with care, we arrived at the unanimous conclusion embodied in the Decision above.

Procedural history

12. On 6 March 2022 Dr Ali addressed a request for information to the GMC in the following terms:
 - (1) **Given a duty to declare a conflict of interest. How many current MPTS tribunal members have been complainants to the GMC [Fitness to Practise] directorate ever, and how many complaints are currently live. Please also give this as a percentage;**
 - (2) **What percentage of direct and indirect MPTS complaints have been accepted by the GMC this year 2022 and last year 2021**
 - (3) **How many FTP complaints has the GMC received from MPTS members this year and last year;**
 - (4) **How many of the current MPTS tribunal (medical component is only a third of the panel) have had GMC FTP action taken against them at any point in their lifetime. Please also give this as a percentage.**
13. The GRC responded on 4 April 2022, citing FOIA, s14 and refusing the request on the ground that it was vexatious.
14. Dr Ali raised challenges and an internal review followed. The GMC's stance was unchanged.
15. Dr Ali then complained to the Commissioner about the way in which the GMC had dealt with his request. An investigation followed.
16. By a Decision Notice dated 20 January 2023 the Commissioner determined that the request was vexatious and the GMC had been entitled to refuse it on that ground.
17. By his notice of appeal dated 5 February 2023 Dr Ali challenged the Commissioner's determination.

18. The Commissioner served a response very largely relying on the grounds set out in the Decision Notice.
19. In due course the GMC was joined as Second Respondent and a response was served on its behalf, drafted by Mr Leo Davidson, counsel.
20. To each of those responses Dr Ali delivered lengthy replies.

The law

21. By FOIA, s14(1), a public authority is excused from complying with a request for information in accordance with s1(1) if the request is 'vexatious'. In *Dransfield v Information Commissioner and Devon County Council* [2012] UKUT 440 (AAC), the UT (Judge Nicholas Wikeley), at para 27, expressed agreement with an earlier first-instance decision that –

... "vexatious", connotes manifestly unjustified, inappropriate or improper use of a formal procedure.

The judge continued (para 28):

Such misuse of the FOIA procedure may be evidenced in a number of different ways. It may be helpful to consider the question of whether a request is truly vexatious by considering four broad issues or themes – (1) the burden (on the public authority and its staff); (2) the motive (of the requester); (3) the value or serious purpose (of the request) and (4) any harassment or distress (of and to staff). However, these four considerations ... are not intended to be exhaustive, nor are they meant to create an alternative formulaic check-list.

22. *Dransfield* and a conjoined case were further appealed to the Court of Appeal. Giving the only substantial judgment (reported at [2015] 1 WLR 5316), Arden LJ (as she then was) did not question the UT's guidance, but added these remarks (para 68):

In my judgment, the UT was right not to attempt to provide any comprehensive or exhaustive definition. It would be better to allow the meaning of the phrase to be winnowed out in cases that arise. However, for my own part, in the context of FOIA, I consider that the emphasis should be on an objective standard and that the starting point is that vexatiousness primarily involves making a request which has no reasonable foundation, that is, no reasonable foundation for thinking that the information sought would be of value to the requester, or to the public or any section of the public. Parliament has chosen a strong word which therefore means that the hurdle of satisfying it is a high one, and this is consistent with the constitutional nature of the right. The decision-maker should consider all the relevant circumstances in order to reach a balanced conclusion as to whether a request is vexatious.

23. The appeal is brought pursuant to FOIA, s57. The Tribunal's powers in determining the appeal are delineated in s58 as follows:

(1) If on an appeal under section 57 the Tribunal consider -

- (a) that the notice against which the appeal is brought is not in accordance with the law; or
- (b) to the extent that the notice involved an exercise of discretion by the Commissioner, that he ought to have exercised his discretion differently,

the Tribunal shall allow the appeal or substitute such other notice as could have been served by the Commissioner, and in any other case the Tribunal shall dismiss the appeal.

(2) On such an appeal, the Tribunal may review any finding of fact on which the notice in question was based.

Submissions

24. In bare summary, Dr Ali strongly maintains that it is unfair and wrong in principle to stigmatise his behaviour as vexatious. The main points to be drawn from his diffuse and poorly-organised written case appear to be the following. (1) Responses to FOIA requests must be 'applicant-blind'. He is being stigmatised as a vexatious person; the correct focus is on the question whether the *request* is vexatious. It is not. It is 'specifically needed for defence of a predictable future tribunal' ('skeleton argument', para 27). (2) Doctor Ali is an 'elected representative' and as such a person with a proper and genuine interest in activities and workings of the GMC, not only in relation to his own complaints but also bearing upon wider concerns and interests of the profession as a whole. (3) The allegations against Doctor Ali of offensive behaviour towards the GMC have been 'misguided by the tangential information out of context to consider 'offensive language' when it does not really exist here, or assessment of distress (of and to staff)' (sic) (*ibid*, para 21). His communication has been 'honest and polite' (*ibid*, para 22). (4) The request, and (it seems) future requests are necessary for the purpose of holding the GMC, which has an 'evolved bad nature' (*ibid*, para 41), to account.

25. In resisting the appeal, the Respondents relied on the background and submitted that, in the requests under challenge, Dr Ali had gone well beyond permissible use of the freedom of information legislation, employing it as a tactical device in support of a general campaign against the GMC. In doing so, he had sought to place a wholly unreasonable burden on the public authority and made numerous unwarranted and improper allegations which amounted to harassment and abuse. In all the circumstances, s14 had been properly cited and the Commissioner's decision was correct.

Analysis and conclusions

26. In our view this appeal is without merit and the Commissioner's decision was plainly right, for the following reasons. First, in view of the number of requests and the range of information sought, we are satisfied that answering them would place an unreasonable burden upon the Second Respondent. This is all the more evident when the background history of 17 FOIA requests over 20 months is taken into account.
27. Second, the requests under consideration in this appeal, viewed in the context of the background history, illustrate the unhealthy tendency of many presenters of vexatious requests towards what the UT in *Dransfield* called 'vexatiousness by drift', which involves broadening the areas of inquiry from the original substance to matters of (at best) tangential relevance. Such 'drift', which typically (as here) manifests itself in fishing expeditions in pursuit of secondary and even trivial information in the hope that it may lend incidental support to the requester's special interest campaign or yield ammunition for a public relations offensive, renders the burden on the public authority, measured against the diminished value of the information sought, all the more unreasonable.
28. Third, the diminution in value of the information requested brings with it the further, closely related and no less undesirable consequence that any public interest in it is correspondingly reduced.
29. Fourth, the evident motive behind the requests of furthering Dr Ali's long-standing campaign against the GMC and (as he frankly states in his representations in support of the appeal) providing him with ammunition for use in litigation against it and other processes amounts to an abuse of the important constitutional right to freedom of information, which does not exist to satisfy improper motives of this sort.
30. Fifth, the style and tone of Dr Ali's communications with and about the GMC has massively exceeded the reasonable limits of robust debate and can only be characterised as amounting to harassment. As the UT in *Dransfield* noted, such behaviour is often a feature of vexatious litigation.
31. Sixth, although Dr Ali expressed some regret in his written representations for the abusive language which he has used in his campaign, there is no sign of a change of heart. In those very representations he has also repeatedly levelled deeply offensive abuse at the GMC. The vexatious mentality is unchanged.
32. Seventh, there is nothing in Dr Ali's point that he is a voting member of the GMC. There is no basis for saying that he has a mandate to pursue his request (or any request) on behalf of the medical profession generally. If anything, membership may provide him with a separate right to information. But in any event, whether it does or not, it is not relevant to the question whether the request under consideration was vexatious.

33. Eighth, in so far as there may be any public interest in the information requested (or some of it), that cannot negate our finding that the request is vexatious (see the *Parker* case, cited above).

Outcome

34. For the reasons stated, we are satisfied that the Commissioner's decision was correct and in accordance with the law. The appeal is dismissed.
35. We hope that Dr Ali will think carefully in future before putting himself at risk of further findings of vexatiousness. FOIA exists to safeguard freedom of information. It was not enacted to serve as a tool for furthering personal campaigns and causes, however heartfelt they may be.

(Signed) Anthony Snelson
Judge of the First-tier Tribunal

Dated: 11 February 2025