

IN THE MATTER OF AN APPEAL TO THE (FIRST-TIER) TRIBUNAL  
(INFORMATION RIGHTS) UNDER SECTION 57 OF THE FREEDOM OF  
INFORMATION ACT 2000

Case Number: EA/2010/0162

BETWEEN

MR C ZACHARIDES

Appellant

and

THE INFORMATION COMMISSIONER

Respondent

and

THE UK SPORTS COUNCIL

Additional Party

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FURTHER SUBMISSIONS  
ON BEHALF OF THE ADDITIONAL PARTY

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**Summary**

1. These further submissions are made pursuant to the further Directions ordered by the Tribunal on 17 March 2011.
2. For the avoidance of any doubt the Additional Party is not concerned with the motives of the Appellant and it takes very seriously its legal obligation to disclose information and provide advice and assistance when it should properly do so.
3. The original requests made by the Appellant that were considered by the Information Commissioner and subsequently dismissed appeared to be connected with the reporting process in the Mission 2012 system adopted by the Additional Party and specifically concerning the reporting to the Additional Party by UK Athletics.

4. However, somewhat confusingly the Appellant has now stated on a number of occasions that he is not interested in the Mission 2012 reports between UK Athletics and the Additional Party.
5. UK Sport has attempted to co-operate with the Appellant as far as possible. The approach adopted by the Appellant has made it very difficult for UK Sport to ascertain exactly what it is the Appellant is complaining of.
6. The Appellant is acting in person and does not appear to have had the benefit of any independent advice, accordingly the Tribunal is invited to try and clarify at the outset with the Appellant exactly what information it is he wants to see.
7. Trying to decipher the Appellants claim, it would appear that he does want to see the reports from UK Athletics to UK Sport in relation to the Mission 2012 process but this is only based upon the fundamental misconception that UK Athletics and the Additional Party are the same organisation.
8. It is on that basic misunderstanding that he bases his argument that there can be no duty of confidentiality in one organisation.
9. The Tribunal is invited to ask the Appellant to clarify if he accepts the proposition, if UK Athletics is indeed found to be a separate organisation to the Additional Party, then does he still argue that no duty of confidentiality exists?
10. The fact is UK Athletics is a separate Company. The primary Skeleton argument submitted by the Additional Party for the purposes of this hearing sets out the reasons that UK Athletics is an independent Company. It is limited by guarantee, operating as the National Governing Body for Athletics. It is not a public authority for the purposes of FOIA.

11. Further the skeleton argument states *“The Additional Party refutes the assertion that the distinction between the two organisations is a sham and in fact they are one and the same. The position is correctly stated at paragraph 48 of the Response by the Commissioner OB[48] “the Additional Party and UK Athletics Ltd are, as a matter of fact and law, (and therefore for the purposes of section 41 FOIA, separate legal entities)”.*”
12. The Appellant is not a lawyer and does not appear to understand the critical point that UK Athletics is a separate legal entity. He argues that UK Athletics is controlled by the Additional Party but this is both legally and factually incorrect. The Appellant has gone on to make serious allegations against the Additional Party all of which are irrelevant to this hearing but for the avoidance of any doubt are strongly refuted.

**Further information provided to Appellant by Additional Party**

13. It is submitted that this material falls outside the scope of the issues that are to be considered by the Tribunal for the purposes of this hearing.
14. However, by way of clarification the Additional Party disclosed further information to the Appellant by way of an attachment to an e-mail on 11 March 2011.
15. However, as a result of this information sent the Appellant has then requested further information. The Additional Party considers the Appellant is on a fishing expedition and has no regard to the expenditure that he is putting the Additional Party to.
16. Section 12 of the Freedom Information Act 2000 provides that where a public authority estimates that the cost of complying with a request would exceed the appropriate limit then it is not required to communicate the information to any person requesting it.

***12 Exemption where cost of compliance exceeds appropriate limit***

*(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.*

17. The “appropriate limit” is set by the following regulations “*The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (“the Regulations”)*” Regulation 3 (3), which in this case is £450.00.
18. As has been explained to the Appellant the time spent by the Additional Party officers providing him with the further information will exceed the appropriate limit of £450 and pursuant to section 12 (1) the Additional Party is not obliged to comply with this further request.
19. In any event, it is repeated this further request falls outside the scope of this hearing.

Dated this 18 day of March 2011

Simon Perhar  
Ely Place Chambers  
Counsel for and on behalf of The UK Sports Council