



First-tier Tribunal (Information Rights)

Notice of Appeal

This form is for making an appeal / application to the First-tier Tribunal (Information Rights) against a decision of the Information Commissioner. The First-tier Tribunal (Information Rights) is administered by the Tribunals Service, an executive agency of the Ministry of Justice, and is independent of the Information Commissioner

Please read the guidance "**Guide to completing the Notice of Appeal / Application**" before completing this form.

First-tier Tribunal (Information Rights) Team
Tribunals Operational Support Centre
PO Box 9300,
Leicester LE1 8DJ
Tel: 0845 600 0877,
Fax: 0116 249 4253

Please complete the form legibly, using black ink and capital letters. If you need more space on which to write, please include the name of the person making the appeal and any relevant reference numbers on the paper that you use.

1. About the Information Commissioner's Notice.

Information Commissioner's Notice reference number

FS50294752

Date of the Notice you are appealing

9th September 2010

Date you received the written notification of the Notice:

10th September 2010

Please supply a copy of the Notice with this form and tick in the box to show it is attached [X]

2. Disputed Notice

Please indicate the Act under which you are appealing (if you know)

The Data Protection Act 1998- section 48

The Freedom of Information Act 2000 – Section 57

The Environmental Information Regulations – Reg 18

The Freedom of Information Act 2000 – Section 60 or
Data Protection Act – Section 28

Please include a copy of the disputed certification

(For all notice of appeals under FOIA Section 60 and DPA Section 28, the appeal will be transferred to be heard in the Upper Tribunal)

Please give the details of the public authority to whom your original request for information was sent or the complainant who made the request whichever is applicable:

Name of correspondent:

The UK Sports Council

/ Public Authority if applicable

Address:

UK Sports Council
40 Bernard Street
London
WC1N 1ST

Please attach:

- a) a copy of the original request for information, and
- b) a copy of the Information Commissioner's Notice against which you are appealing

Please tick the box to indicate that these documents are attached

3. Time Limit for making an appeal / application

The appellant is required to lodge an appeal with the Tribunal within 28 days of the Information Commissioner's Notice. The tribunal may accept a notice of appeal outside this time limit under certain circumstances.

The Tribunal will only grant leave to proceed outside of the time limit if you request an extension of time and provide the reason(s) why the notice was not provided in time. The Tribunal will then consider whether to grant you the right to bring your appeal.

Please tick this box if you would like the Tribunal to consider an out of time appeal

(see Explanatory Notes)

Please set out below the reasons that you would like the Tribunal to consider when assessing whether to accept your out of time appeal. You can use extra A4 sheets of paper if required.

Not Applicable

4. Appellants Details

Name:

Mr C.Zacharides

Address:

14 Edward Grove
New Barnet
Hertfordshire

Postcode:

EN4 8BA

Land Line:

020 8441 6908

Mobile:

Fax:

Email:

zac@british-athletics.co.uk

Organisation Name:

(if applicable)

www.british-athletics.co.uk

Job Title:

Volunteer Webmaster

Please indicate the method of communication you would prefer the Tribunal to use when communicating with you about your appeal:

Email:

Post

Fax

Please indicate if you are willing to accept service of notices and other documents by email:

Yes

No

5. Representative Details

If you have not appointed a representative, but do so at a later date, please ensure that you notify the First-tier Tribunal (Information Rights) Team immediately giving the details requested above.

Please note that all correspondence and documents, including the hearing notification, will be sent to the representative, not direct to you. If a representative ceases to act, you should notify the Tribunal immediately

Do you have a representative? Yes No

If yes please complete the following details:

Title: Name:

Firm / Organisation:

Address & Postcode:

Telephone: Mobile:

Fax: Email:

Reference No:

Status or Job Title:
e.g. Solicitor

6. Grounds for Appeal / Application

Please provide full details about the grounds for your appeal. Please add additional pages if required

Confidentiality cannot be imposed on the master by the servant. UK Sport are the master.

UK Sport created UK Athletics in November 1997.

UK Sport pay all the senior staff within UK Athletics by way of a Funding Agreement.

UK Sport set the objectives for UK Athletics, and scrutinise the results against key performance indicators.

UK Athletics is effectively a lower tier of the same organisation as UK Sport.

The Decision notice which is the subject of this appeal fails to recognise the seamless connection between UK Sport and UK Athletics. On Tuesday 12th December 2006, The Minister for Sport, Richard Caborne MP said in Parliament about UK Athletics: "UK Sport is also actively involved in senior appointments, including the current recruitment of the new CEO (Niels De Vos) and chair (Ed Warner) for UK Athletics. In addition it has a member of staff with responsibility for monitoring progress in the sport and intervening where appropriate."

Hansard Source:

<http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm061212/text/61212w0003.htm>

UK Sport impose the following terms in the funding agreement 2005/2009:

- UK Athletics will not discuss any aspect of the award without prior consultation with UK Sport (Page 8).
- UK Sport will have access to inspect UK Athletics premises and records at any time (Page 9).
- UK Sport have the right to attend all UK Athletics Board Meetings, Management Committee Meetings or similar meetings, and will be provided with the notice of such meetings, and agenda and the minutes. (Page 10)
- Athletes will be required to enter into a legally enforceable contract based on a template provided by UK Sport (Page 11)
- UK Sport and UK Athletics will keep the content of the plan confidential and will not disclose any of its content to a third party (Page 19)

Continued....

6. Grounds for Appeal / Application Continued.....

It is UK Sport who benefit by allowing UK Athletics confidentiality. It is UK Sport who have responsibility for the return on the investment of public money. It is UK Sport who are accountable to government and the public. It is UK Sport who will be seen to have lied to government.

On 6th February 2006, in oral evidence taken before the Public Accounts Committee (HC 898 published on 18th July 2006), Dame Sue Street DCB, Permanent Secretary, DCMS said “UK Sport now has responsibility for talented athletes eight years away from the podium” (Q15).

All the evidence from the political decision makers is that UK Sport are in charge, and UK Athletics is the mechanism they have used to take charge.

Previously clubs voted for representation on the AAA of England which governed the sport in England (which dominates the sport in the UK). On 20th October 2005 David Moorcroft the Chief Executive of UK Athletics wrote in a letter to the AAA of England saying: "UK Athletics is recognised by the IAAF as the governing body for the sport of athletics in the UK and as such has the jurisdiction to govern athletics generally." It was this letter which implemented UK Sport/Sport England's Foster review changes which closed down all access to democracy for the grass roots of athletics. From October 2005 UK Sport were in control. Athletes, Coaches and Clubs became merely the farm yard from where UK Sport and UK Athletics plucked athletes and threw them back as they pleased.

All evidence from the grass roots of the sport is that UK Athletics has no involvement and make no difference. If UK Athletics ceased to exist I would still take entries for the Hertfordshire County Championships, as would 40 others in their own county. The County Champions would still meet in competition at the Inter County Championships, organised by volunteers. UK Athletics contribute nothing and that also sums up the contribution of UK Sport.

The reports which are the subject of this FOI request will simply demonstrate the vacuous nature of UK Sport's and UK Athletics impact on Athletics. This evidence must be available to the public.

As regards the suggestion that the reports will include “Sporting Performance Secrets” (Page 6, Paragraph 22 of the Decision Notice), this is ridiculous. All training methods must inevitably be part of the national coach education programme, and therefore freely available. Our own athletes train with elite athletes all over the world, including Usain Bolt. There are no secrets in the legal methods of training.

UK Sport have instructed UK Athletics about what letters to write in order to shield themselves from scrutiny, and UKA have complied. It is this cynical culture of control and connivance that has infected the purest of sports, and needs to be cleansed in the open.

7. Supporting Documents

Please list the documents that you wish the Tribunal to consider in support of your appeal. You can use an extra A4 sheet of paper if required

Please attach the documents and tick the box to indicate that they have been attached

The National Governing Body Funding Agreement between The UK Sports Council and UK Athletics for the period 2005 to 2009.

See Computer File Attachment: **uk_sport.pdf**

The following pages are included within a single computer file attachment called:

FS50294752_Appeal_Supporting_Documents.pdf

- House of Commons Hansard Written Answers for 12 Dec 2006 – Page 2
- House of Commons Committee of Public Accounts - UK Sport: Supporting elite athletes HC898 Published on 18 July 20 – Answers given to Questions 15 and 5
Full document can be emailed on request)

8. Type of Hearing and Venue

Please note that the appeal will be dealt with by reference to all appropriate papers unless you inform the Tribunal you require an oral hearing.

Please indicate whether you wish for the appeal to be dealt with at an oral hearing or based on written submissions, by ticking the appropriate box below (please see explanatory notes before making a selection). Please note that whichever method is preferred a full Tribunal Panel (a legally qualified Judge and two non legal members) will consider the appeal. Oral hearings will usually take longer to arrange

Paper Hearing:

Oral Hearing:

Please note that oral hearings will usually take place in London unless the parties request a hearing elsewhere. Parties will be informed in writing by post or email as soon as hearing date has been set.

9. About your requirements

Please state if you, your representative, or witness has a disability or other special needs that you wish to bring to the Tribunals attention in order to assist the hearing of your appeal. Please also state if an interpreter is required.

No special needs

10. Signature

NB: The form must be signed and dated by the applicant or someone authorised to do so. If a non-legal representative is appointed, the applicant must file with this Notice of Appeal / Application for Review a written statement, signed by the applicant, that the representative is authorised to act on their behalf.

I am:–

The appellant:

The Representative of the appellant:

Name:

Mr C. Zacharides

Signature:

C.Zacharides (Signed copy can be sent in post on request when reference issued)

Date:

17th September 2010

Please send your completed form to:

Information Rights

First-tier Tribunal
General Regulatory Chamber
Arnhem House Support Centre
PO Box 9300
Leicester LE1 8DJ

Email: informationtribunal@tribunals.gsi.gov.uk

We can help if you need information in a different format (e.g. Braille, large print). We can also provide this form in Welsh if required. If you need any of these services please contact the Tribunal.

This form can also be downloaded from our website: www.informationtribunal.gov.uk