



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

Tribunal Reference: EA/2013/0115
Appellant: Brian Jones
Respondent: The Information Commissioner
Second Respondent: Department of Justice for Northern Ireland
Judge: NJ Warren
Member: A Chafer
Member: CM Hake
Hearing Date: 20 November 2013
Decision Date: 4 December 2013

DECISION NOTICE

1. About ten years ago Mr Jones had a dispute about the quality of a guitar he had purchased in Belfast. At the time he was living in the USA. He started proceedings in the small claims court in Northern Ireland. He couldn't attend the hearing himself so he sent photographs and written submissions. He was unsuccessful. This experience led Mr Jones to believe that the small claims courts were behaving improperly in failing to protect him from "perjury". He says that he has made 72 complaints which are still outstanding (page 70). By 2010 (page 66) he was writing to the Home Secretary referring to the "secret kangaroo courts" in Northern Ireland. He told her that the procedure adopted suggested that the Northern Ireland Court Service and Lord Chief Justice office "knowingly, willingly and with intent are complicit in the abuse of judicial powers which includes the acceptance of perjured evidence". He asked a member of the Northern Ireland Assembly to intervene in what he called the "dishonest and suspect conduct of the Chief Justice". The correspondence was passed to the Minister of Justice in Northern Ireland who felt that there was really nothing else that his department could do to assist Mr Jones.

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2. Then on 22 June 2012 Mr Jones made the request for information with which we are concerned. He declared that the Minister of Justice had failed to substantiate his claims or answer legitimate questions about wrong doing including perjured evidence. He stated that he would now wish to conduct a full comprehensive and detailed audit and therefore asked for copies of all correspondence about his case in order to identify where and how the Minister drew his information. This was to include letters, faxes, emails, reports, memorandums and telephone transcripts. Mr Jones added that he expected that the volume of the documents which he wished to receive was so great that it would be necessary for him to hire temporary staff and office facilities. He expected the Northern Ireland Department of Justice to bear the costs of this which he estimated at about £250,000.
3. The Department of Justice rejected the request under Section 14 Freedom of Information Act (FOIA) on the ground that it was vexatious. Mr Jones complained to the Information Commissioner (ICO) unsuccessfully. He now appeals to the Tribunal.
4. The ICO and the Department of Justice for Northern Ireland submitted that we should deal with this case in accordance with the guidance given by the Upper Tribunal in Dransfield. We agree.
5. We have no hesitation in concluding that the Department were correct to characterise the request as vexatious and the ICO was correct in confirming that decision. In particular, the request imposed an unfair burden on the department. There was absolutely no reason why Mr Jones should appoint himself as a person to conduct an audit of the Department at the Department's expense.
6. Mr Jones' own evidence as to motive, is that the request was intended to show that it would be easier for the Justice Minister to answer the "simple questions" he had previously put to him. (page 40). In our judgement the making of such an extensive request for this purpose is a misuse of the Act.
7. Mr Jones suggested to us that his request had a value and serious purpose in that he was holding government to account. That is no doubt Mr Jones' perception but we disagree with it. The request has no value or serious purpose. This is a case of

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“vexatiousness by drift”. Mr Jones’ grievance was dealt with long ago by the small claims court in Belfast and his continued pursuit of public authorities is leading nowhere.

8. At the hearing, Mr Sharp who appeared for the Department of Justice, declined to rely on any harassment or distress to staff. Nevertheless it is right to point out that the correspondence we have seen is littered with allegations by Mr Jones of serious misconduct by public officials. The public authority in this case was properly entitled to say “enough is enough”.

NJ Warren

Chamber President

Dated 4 December 2013