



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

**Tribunal Reference:** EA/2015/0011  
**Appellant:** Larry Chesson  
**Respondent:** The Information Commissioner  
**Judge:** Peter Lane

**DECISION NOTICE**

1. The appellant made a request to the BBC. What the appellant said was this:-

“The information that I would like to receive is did the BBC use their investigative licence power to assess information sent to the Home Office, because I wasn’t informed of this. I was advised by the USA Embassy (Department of Homeland Security) to contact the Home Office.

“If the BBC used their investigative licence prior to assess information sent to the Home Office because of the information that I sent to the BBC therefore this would be for my behalf, the BBC would legally have to inform of this, this would have helped with the IPCC investigations concerning [name of individual]’s retirement (DPS Customer Service Team) BBC may be held responsible for why my information wasn’t surrendered to court.”

2. On 13 August 2014 the BBC responded to say that the request was not considered valid as it did not ask for recorded information. This led to the appellant informing the BBC that the information he wanted was:-

“my own documents sent to the BBC!... did the BBC use their investigative licence power to assess information sent to the Home Office because I wasn’t informed of this? The Home Office cannot conceal criminal negligence because they are liable; its an unlawful act, time is a major factor to the events that took place after I wrote to the BBC thereafter the Public Order Act 1986.”

3. On 30 October 2014 the BBC stated it was reasonable to assume the requested information was not held. An internal review, requested by the appellant, confirmed that the requested information was not held by the BBC. The appellant then complained to the Commissioner. This led to the Commissioner’s decision of 18 December 2014. In it,

**Appellant: Larry Chesson****Date of decision: 26 February 2015**

---

the Commissioner described the result of his investigation. The BBC had explained it had not been able to identify the specific documents requested by the appellant or identify any relevant location in which the information would be held. It confirmed it had searched its records and taken all reasonable steps but was unable to locate the information. The BBC added that, in any event, it was highly likely that any information received by members of the public would not be retained indefinitely (the appellant had at times stated that information had been communicated in 1998, 2008 and various other dates, to other organisations as well as the BBC).

4. The Commissioner was satisfied on the balance of probabilities that the requested information was not held. The Commissioner had seen nothing to suggest that the BBC held the information. The Commissioner considered that the appellant's request "seems to be based on the misconception about the role of the BBC and its involvement in the issues he raised." Finally, the Commissioner stated that the history and pattern of the appellant's correspondence with the BBC and other organisations led him to conclude that the information was not held.

5. The appellant's grounds of appeal runs to some 13 typed pages. In them, the appellant makes reference, amongst other matters, to the Tottenham riots, a conspiracy regarding theft of information, the dismantling of a space program as a result of the appellant's information, about which NASA failed to inform the appellant, the appellant's concerns regarding a space station, the risks posed by meteorites and the erroneousness of Einstein's theory of relativity.

6. Material submitted in connection with this appeal includes interactions between the appellant and the Ministry of Justice, firms of solicitors, the Home Office, the Law Commission and the European Court of Human Rights (ECtHR), as well as various embassies. The appellant's application to the ECtHR involves, amongst other things, the appellant's views on the causes of death of the boy Pharaoh, Tutankhamen.

7. In his response of 11 February 2015, the Commissioner submitted that the appellant's appeal has no reasonable prospect of success. On 11 February 2015, the Tribunal, acting pursuant to rule 8(4) of the Tribunal Procedure (First Tier Tribunal) (General Regulatory Chamber) Rules 2009, invited the appellant to make representations in relation to whether the appeal should be struck out. In his response of 12 February, the appellant said that the Tribunal's

"conclusion is based on finance and not on debate, human rights, fairness, public awareness and public safety ... public safety is priceless! It is still my word against the BBC and ICO, which is reinforced with legal and scientific information which is stamped by the Home Office, which was sent to the American Embassy and then to the BBC. The Germany government did not obtain this information unlawfully (COPYRIGHT) because the BBC destroy this for the British people (ATOM) codename: 'A Mountain In The Sky'".

8. I am satisfied on the basis of the materials before me, that I can justly determine this matter without a hearing.

**Appellant: Larry Chesson****Date of decision: 26 February 2015**

---

9. Insofar as I understand the appellant's case, he says that he sent material to the BBC, which he would like to have returned. The Commissioner's decision, however, explains in some detail why he concluded that, on the balance of probabilities, the BBC did not hold the relevant information. Even if the appellant sent something, the BBC have explained why it is more likely than not that the material would not have been retained. I can see no reasoned challenge by the appellant to these matters, which underpin the Commissioner's decision.

10. In all the circumstances, I am firmly of the view that the appeal has no reasonable prospects of success. Indeed, it is bound to fail. In the circumstances, it is not in the interests of the overriding objective (as set out in rule 2) to permit the appeal to proceed. The Tribunal must use its resources in ways that are proportionate.

11. This appeal is accordingly struck out.

**Peter Lane**

**Chamber President**

**Dated 26 February 2015**