To : Upper Tribunal (Administrative Appeals)

To : Judge Wikeley, Upper Tribunal (Administrative Appeals)

Cc : Lady Anna Poole, Chamber President, Upper Tribunal (Administrative Appeals)

From : Timandeep Singh Gill
Case Reference Number : UA-2026-000152-GIA
Date : 24 February 2026

Comments for the Upper Tribunal based on its refusal to consider the appeal

Timandeep Singh Gill v Information Commissioner and Chief Constable Kent Police

Dear Judge Wikeley -

I write further to the Notice of Determination dated 20 February 2026 refusing permission to appeal and your certifying the application as 'totally without merit'

At the outset, I wish to make clear that the decision of the Upper Tribunal is respected as a judicial determination within the statutory framework presently engaged

However, I do not agree with it, and do not think it adequately considers the errors in law stated in the the 4-page request to appeal letter - "Summary Request to Appeal to the Upper Tribunal regarding the GRC's Judgement" - dated 4 January 2026, including evidenced procedural unfairness and ignoring of contractual evidence that directly contradicts the position of the public authority

> I do not believe a reasonable person could read the appeal letter, note the serious evidenced allegations and arrive at a conclusion that there was no error in law to consider and as such the application was 'TWM'
>
> I also believe that no reasonable person would at this stage completely block, as you have done, any oral hearing to confront the matters addressed in the application letter dated 4 January 2026. A proper, responsible interest in such serious evidenced matters of judicial and procedural misconduct would invite engagement
>
> This now resembles entrenchment of the Upper Tribunal in refusing to consider any of the relevant matters, and unwillingness to engage. This does not appear to be consistent with neutral behaviour, it appears more consistent with institutionalised behaviour

It is notable - as I describe in this letter - that you have sought to frame the proceedings at the GRC as a matter of whether the ICO was correct in its decision, per point (1) "....

That appeal concerned whether the Commissioner was correct to determine in the Decision Notice that the Appellant's FOIA request to the relevant public authority (Kent Police) was "vexatious" within the meaning of section 14 of the 2000 Act....". **This is clearly incorrect and not in keeping with section 58 of the FOIA**

This misinterpretation of yours in framing the purpose of the case taints the rest of your judgement. I will now explain this in detail:

Section 58 of the FOIA states that :

> *"....58. Determination of appeals.*
>
> *(1) If on an appeal under section 57 the [GRC] Tribunal considers—*
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> *(a) that the notice [of the ICO] against which the appeal is brought is not in accordance with the law, or*
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> *(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...."*

This means that the GRC must review the decision as well as re-assessing any findings of fact of the ICO and substitute its own decisions where necessary. Your judgement considers only section 58(1)(a) and does not consider section 58(1)(b) or section 58(2). The 'correctness' of a decision of the ICO is not the sole point of the hearing, as you seek to suggest; meaning that the Tribunal's task is not confined to assessing whether the Commissioner's decision was correct on the material available to him at the time

> **For instance, it is entirely possible that evidence provided to the GRC during in the course of fact-finding during proceedings means a case is upheld in favour of an Appellant whilst (theoretically) the ICO's original decision notice at the time, based on the facts held at the time of making its decision, may also be considered 'correct'**

The point here is that the GRC may (and in some instance like this, *should*) re-determine the whole case based on the evidence before it, as stated in section 58 of the FOIA

> **This is especially pertinent in my case where the Claimant obtained critical contractual evidence (from another public authority) to prove the position of the**

> **police (and with regards to the very basis of applying section 14) was demonstrably false. In addition, the police itself admitted formally to the Administrative Court (in a separate case with a shared factual premise) only one day after the release of the GRC judgement, that it had in fact made false statements. The GRC was also provided with evidence that the Claimant had informed the ICO many months prior to proceedings about a suspected section 77 FOIA breach by the police (a criminal offence in the FOIA), a fact that was not considered by the ICO in its initial determination**

Therefore your initial framing of the case on which you were requested to support an appeal is insufficient and misleading with regards to the actual law

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Your refusal to appeal reflects a refusal to acknowledge key procedural manipulations and errors in law (including serious judicial misconduct). These are documented and factual basic errors in law : refer to Article 6 ECHR and Rule 2 GRC Rules, contrary to your statement that my appeal to the UT contained no stated errors in law. I encourage any diligent judge of the Upper Tribunal to read the four-page request to appeal letter to the Upper Tribunal dated 4 January 2026 : these errors in law are obviously stated in the letter

Again in point (1), I expand on the same aforementioned sentence to highlight the gross error in your judgement. You have stated the following :

> ***"…. As the Applicant had not shown any error of law in the Decision Notice, the FTT accordingly dismissed the appeal. Judge Saward subsequently refused permission to appeal on behalf of the FTT in a ruling dated 22 December 2025. I am refusing the renewed application for permission to appeal to the Upper Tribunal for the reasons that follow (although I also adopt and endorse Judge Saward's reasons for refusing permission to appeal)…."***

There are several major problems with your judgement here:

1. **As already explained, the matter before the GRC does not solely depend on there being any error of law in the Decision Notice [of the ICO]. This is plainly stated in section 58(1)(b) and section 58(2) of the FOIA. Therefore your statement above is unlawfully narrow and again applies the FOIA incorrectly**

2. **Your incorrect interpretation seeks to narrow the issue to one of perceived merits later in your judgement; when in fact the appeal to the Upper Tribunal is predicated on the GRC *not doing what it is supposed to do* and *ignoring evidence* that is squarely within the legislated scope of its purpose in cases such as this. You rely on this incorrect interpretation to refuse permission to appeal,**

and apply TWM ('totally without merits') label to avoid an oral hearing where you would have to confront these serious issues

3. **You have not considered or addressed any of the errors in law as stated in the appeal letter dated 4 January. These particular errors in law relate to the proceedings and judgement of the GRC and its Judge Saward. This resembles a failure to grapple with the material grounds of an appeal to the UT**

For the reasons detailed in the remainder of this letter, it is shown that you have proceeded to apply this same flawed framing from point (1) to provide a procedurally-narrow reasoning for refusing to consider the serious issues proposed in the appeal papers, and arrived at a conclusion that is clearly contrary to the common-sense of any reasonable person

The erroneous nature of your statements in point (1) cannot be understated : this misunderstanding (at a basic level) of the scope imposed by legislation on the GRC means you have necessarily *not* considered relevant facts, and repeated the same errors at the GRC in misapplying the scope of its own role (as demonstrated in the Appellant's materials)

> **Your points (4) to (10) are clear red flags for this lack of understanding and misapplication as well relying on caselaw deference to the fact-finding objective of the FTT without recognising that the premise of fact-finding is defunct by virtue of misinterpreted scope. In simple terms, the GRC selectively chooses the evidence that it was willing to assess within the case and has clearly ignored critical factual evidence in making its determinations, which means all the relevant facts were *not* included in the determination. These are the exact conditions contemplated by senior judges of the judiciary in past case law : instances like this are *precisely* where the Upper Tribunal is supposed to intervene. Instead, your judgement clearly shows that you lack the same basic understanding of FOIA legislation as the GRC**
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> **Your point (14) regarding possible re-argument on the merits is largely irrelevant as you have failed to consider whether the GRC did in fact consider critical evidence (or, as evidenced in the Appellant's submission, it purposefully ignored critical evidence in order to maintain its chosen public authority- friendly narrative)**
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> **The remaining points of the refusal letter are contaminated by the errors as described above, and therefore do not warrant any detailed comment by the Claimant, other than to state their consequentially erroneous nature**

It should be noted that the Claimant is a litigant-in-person, not a trained legal professional albeit a highly experienced investment professional : the logic presented in this letter has been constituted based on reasonable common-sense and reading the

legislation itself. In the opinion of the Claimant, it beggars belief that a judge of the Upper Tribunal could make such egregious errors in its refusal of permission letter

This is disappointing behaviour from the Upper Tribunal, and will be raised again as part of forthcoming judicial reviews (as detailed further in this letter) centred on the conduct of organisations in the UK's information rights eco-system

It is furthermore concerning that the Upper Tribunal is unaware of the legislated scope of activities for its subsidiary tribunal, the GRC. This suggests an abject failure of oversight. If the Upper Tribunal does not understand the basic scope of its subsidiary court (as I have demonstrated with regards to your judgement), higher courts must be asked to consider whether its judge(s) are fit to exercise any judgement on appeals arising from that subsidiary court

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With regards to improper conduct of the Judges, there is a judicial review currently ongoing at the Administrative Court (High Court) to assess the narrow remit that the JCIO has given itself with regards to proper conduct of judges in the judiciary. When these determinations are made, complaints regarding judicial conduct in general at the GRC will be lodged. At present, in the Claimant's opinion, there is a doctrinal problem with seeking correction at the JCIO

As such, the matters of judicial conduct and procedural misconduct are not regarded as substantively settled

The issues raised remain of continuing legal and public importance and are expected to be escalated to the higher courts in due course through separate proceedings for judicial review. At present, there is a capacity issue with regards to a number of cases being worked on concurrently - though this is anticipated to be part of actions in 2027. These judicial reviews will centre on the operational fitness to operate of the GRC and the ICO; and certain failings that are now being shown to be evident in the UK's information rights eco-system

> **The evidence of their conduct in this case will provide substance for a broader review into their operations**
>
> **The application of section 14 to this specific information request and any discussion about merits will be irrelevant to these future judicial reviews**
>
> **In addition, the unwillingness of the Upper Tribunal to engage with serious matters of procedural distortion and misconduct will be provided as context in those proceedings**

The issue is no longer whether about section 14 FOIA for an information request, it is about the evidenced and documented conduct of key parties in the UK's information rights ecosystem and the refusal of certain judges to engage with matters of serious public interest and consequence

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Missing Important Details and Deep Conflict with Common-Sense Reasoning

The reasoning of the Upper Tribunal appears to characterise the application as disclosing no arguable error of law on the basis that it constitutes a disagreement with the First-tier Tribunal's assessment of the evidence

With respect, that characterisation overlooks several material factors which go beyond a merits disagreement and instead engage the integrity of the decision-making process itself. A reasonable reader of the 4-page request to appeal letter - "Summary Request to Appeal to the Upper Tribunal regarding the GRC's Judgement" - dated 4 January 2026

****There is, in this case, a natural and troubling conflict between the procedural reasoning used to decline permission and the common-sense reasoning that would ordinarily be considered relevant in circumstances such as these****

The following matters illustrate that tension:

1. **First, there is critical contractual evidence contained within the tribunal bundle which directly contradicts the factual premise advanced by Kent Police during the proceedings. That contractual material was before the GRC but was not substantively engaged (effectively ignored in entirety) with the reasoning leading to the determination. Where documentary evidence undermines the factual foundation relied upon by a public authority, the proper engagement with that evidence is not merely a matter of weight; it goes to the reliability of the factual matrix underpinning the decision itself. This is especially relevant in regards to any application of section 14 FOIA**

2. **Second, the factual position advanced by Kent Police changed in separate proceedings one day after the General Regulatory Chamber judgment was issued. This change is evidenced in a formal submission made by Kent Police to the Administrative Court in related High Court litigation that remains ongoing. My 4-page request letter makes this point expressly clear so I must assume that you knew this in coming to your refusal letter. The proximity in time between the tribunal determination and the subsequent clarification of the factual position raises legitimate questions about the stability and accuracy of the factual premises relied upon in the tribunal proceedings. It further amplifies the unanswered (and evidenced) claims of procedural abuse by the Defendants (both Kent Police and ICO)**

3. **Third, there were multiple instances of procedural mishandling identified during the course of the proceedings, including matters relating to agenda management, outstanding issues, and evidential engagement. There is also**

evidence from audio recordings indicating that statements made by the General Regulatory Chamber Judge and the GRC Registrar were false

a. **The term "lying" is used here with reference to the applicable legal evidential threshold for making such an assertion. Of further concern is the written admission within the tribunal judgment itself that procedural fairness issues — including alleged abuse of process, Article 6 ECHR considerations, and Rule 2 of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules — were regarded as outside the scope of the tribunal's determination**

b. **Such a position creates a significant conceptual difficulty, because procedural fairness is supposed to be inseparable from the lawfulness of a judicial determination**

Taken together, these matters raise questions which extend beyond a disagreement with factual evaluation. They concern whether relevant evidence was properly considered, whether the factual foundation relied upon remained reliable, and whether procedural safeguards integral to a fair hearing were appropriately engaged. There is also audio and written evidence of a Judge and Registrar lying on record, as well as the GRC Chamber President grossly misrepresenting

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Next Steps and Escalation

For these reasons, the matter cannot be regarded as acceptably discharged from a public interest perspective

The underlying events and subject matter will form part of broader proceedings anticipated to be brought before the High Court concerning the operation of the information rights ecosystem, including the conduct and institutional functioning of both the General Regulatory Chamber and the Information Commissioner's Office. It is presently anticipated that such proceedings will be commenced as judicial reviews in the Administrative Court (High Court) in or around 2027

It is also noted that the second respondent, the Chief Constable of Kent Police, is already subject to related proceedings before the High Court. The developments in those proceedings will necessarily interact with the issues raised in the present matter.

In that context, the procedural disposition adopted by the Upper Tribunal in this instance will be preserved as part of the evidential record. It is likely to be relied upon as illustrative material when considering the broader systemic questions that arise concerning the operation, oversight, and accountability mechanisms within the UK's information rights framework

This correspondence is therefore provided for the purposes of clarity and record. It is not intended as an application, nor as a challenge to the Upper Tribunal's jurisdictional decision within the present proceedings, but rather as confirmation that the issues identified remain live and will be pursued through appropriate legal avenues in due course

It is the sincere, personal opinion of the Claimant that this permission-stage decision of Judge Wikeley comes across a piece of work that is designed to be procedurally avoidant. The Claimant expected a stronger interest level from the Upper Tribunal with regards to malfunctioning and improper conduct from its direct lower-tribunal, the GRC

Sincerely -

Timandeep Singh Gill
Appellant (litigant-in-person)
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