Open Letter to Christopher S Graham, Information Commissioner

PT-13-0805-1254

Christopher S Graham, Information Commissioner
Salary £140,000-£145,000 (2010)

During the past few days I have received several letters from Group Management (ICO) under the guise of trying to satisfy my FOI/EIR/DPA requests. They have disingenuously, jointly and severally, over proxy signatures changed case numbers of existing overdue responses in an attempt to start another illegal merry-go-round by restarting the clock to confuse the issues.

Using vernacular with which your staff will easily identify, the procedure they adopted is commonly known as a "bitch switch" - a protective mechanism that disengages the brain when subjected to sustained bureaucratic abuse. I will not tolerate any more machination. The latest epistles from Cragg, Clements and Mullarkey are the last straw. I have in the past fired people on the spot for less.

[Cragg/Clements] [Mullarkey] [Inventory]

You have ten working days to resolve all the issues related to the eighteen items listed in the attached inventory. The problems relate primarily to ICO public officials and constitute misconduct in public office. Some of them have acted with vexatious intent (to use your favorite word), others have shown repeated incompetence. By that, ICO has effectively granted HSE/HCA/CWCC/NGG impunity to continue criminal activity by repeatedly contravening FOIA and other legislation in pari materia.

[Freedom of Information Act 2000 Section 77]

Consequently, I intend to elevate all the issues to The Information Rights Tribunal, now part of the First-Tier Tribunal in the General Regulatory Chamber (First-Tier Tribunal/Information Rights). Having worked with FOIA for more than 35 years in both US and UK, this is the worst situation that I have encountered. Instead of managing your staff and regulating public sector officials, you have tried to kiss everybody's ass to the detriment of the public at large. By that, you have let your staff adopt maverick policies.

The alleged criminal intent I will cite in my application to the court also misconduct in public office. The cost of this circus now exceeds £300,000.00; moreover, you have not had the courtesy to respond to the correspondence that I sent to you in an attempt to mitigate. If all the issues are not resolved to my satisfaction within ten working days, then I will proceed accordingly and you can tell it to the judge (if he/she is not already in your pocket).

The buck stops here!
It has been brought to my attention that following your recent contacts with us you have been publishing articles on your website. These articles summarise your dealings with us and contain a number of derogatory and insulting references to members of my staff.

We respect your right, as a journalist, to publish your views online. We also note that to bring emphasis to your views you may consider it is necessary to make derogatory and insulting remarks about public officials you believe have failed to provide you with good service.

Customers who are unhappy with our service or who believe we have reached a wrong decision have clear mechanisms to raise these concerns with us and to ask us to review our actions. Customers who believe we have failed to discharge our duties also have access to independent regulatory bodies created to judge our work objectively.

Where a customer raises a concern with us we are committed to considering those concerns. Where we believe our service could have been better we always endeavour to put things right.
as quickly as possible. We are also committed to treating our customers fairly, with integrity and respect. In return we ask those who use our services to treat our staff the same.

This basic principle is set out very clearly in our ‘Managing Customer Contacts’ operating procedure available at the About the ICO/policies and procedures section on our website. In this procedure we reserve the right to restrict or remove a customer’s access to any of our services if their behaviour is deemed to be unacceptable. We consider derogatory or insulting treatment of our staff to be unacceptable.

[Managing Customer Contacts]

You are clearly unhappy with the way your complaints to the ICO were originally handled. We have since reviewed things and have confirmed that in some areas your complaints could have been handled more clearly and progressed more promptly. However, I have read all the correspondence sent to you by ICO staff and I am satisfied that at no stage has our language, manner or tone been disrespectful, rude or insulting.

I also note that we recently politely asked you to refrain from describing our staff in such derogatory terms on your website. You responded by advising us to raise concerns with ‘the editor’ and publicly stated your commitment to publish your views. This is, of course, your right subject to the well-established legal boundaries in this area. However, as I hope [it] is clear from our Managing Customer Contacts operating procedure, we also reserve the right to remove access to our services from any customer we believe to be subjecting our staff to unacceptable behaviour.

Consequently, unless you are willing to undertake to cease your derogatory and insulting remarks our services will no longer be available to you. I have included a pro forma for such an undertaking at the foot of this letter. Please sign and return it to our office if you wish to continue to access our services. Until we receive your undertaking all work on your complaints and requests for information will cease.

For the avoidance of doubt we are in no way seeking to limit your ability to comment freely and openly about the work of the Information Commissioner’s Office. We are however requesting that you focus your comments on the actions of the Commissioner’s office and not the individual members of staff.

Should you wish to attribute the actions of my office to a named individual you should view me, as Information Commissioner, as that person.

I also note your response to our refusal under section 14 of the Freedom of Information Act to provide you with further information about members of my staff. This refusal was sent to you by my Information Governance department. In your response you ask for the name of the person who made this decision and for the decision to be reviewed. You also speculate that the person responsible for our refusal was Trevor Craig.
I can confirm that Trevor Craig was not the person who dealt with your request. Mr Craig acknowledged receipt of your request but he was not involved in its further consideration. In terms of your request for a review of our handling of your request this is also subject to the undertaking at the foot of this letter. If we receive your signed undertaking we will be happy to conduct a review of your request.

Finally, I would like to emphasise two points covered in Mary Morgan’s recent letter to you confirming the outcome of her review of your cases. They seem to be the matters at the heart of your concern with our approach and I therefore believe they warrant specific mention.

Firstly, as Mrs Morgan explained to you, our freedom of information complaints service has the request for information at its heart. Although our customers may have made multiple requests for information to one or more public authority under the broad banner of a wider complaint or concern, the law requires that we treat each request as a separate entity or complaint. As Mrs Morgan also explained our role is not to investigate the broader concerns our customer’s may have with a public authority. Our focus is purely on whether, in response to each individual request for information made, a public authority provided a proper response.

This is why we sought to identify the number of separate requests for information you had made in the course of progressing your concerns with the HSE and others. We then attributed separate reference numbers to each request we identified. This was not an attempt unnecessarily to complicate your complaint(s). It was simply an attempt to structure your complaint in a manner which then enabled it to engage the freedom of information legislation clearly.

Secondly, I want to clarify the point about our inability to access some of the information you provided in support of your complaint. As Mrs Morgan clarified this wasn’t as a result of a lack of technical competence. At the ICO, we have a security policy of not allowing files to be downloaded directly from unaccredited cloud based storage facilities into our IT environment. You may feel that this is an unnecessary policy to have, but it remains our policy for sound reasons. I do however agree with Mrs Morgan that we could, and should, have explained this to you more clearly.

I hope my clarification of these two points helps to explain the rationale for our actions when considering your complaints. Should you choose to continue to engage with our staff in a respectful manner we would be happy to continue to consider your eligible complaints in line with the summary provided by Mrs Morgan. But this depends on the receipt of your signed assurance.

Christopher Graham
Information Commissioner

*nota bene. The three penultimate paragraphs contain false and misleading information which the editor will address in articles dealing with those topics. Graham has substantiated absolutely*
nothing in his letter which means the content classifies as worthless. Moreover, he holds a position to manage an organization not to act in loco parentis to wayward and incompetent staff members.
UNDERTAKING

To be printed, signed, dated and returned to:

Christopher Graham, Information Commissioner, The Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

As a condition of the ICO processing current and future business initiated by me, I, Paul Trummel, undertake to conduct myself in accordance with the terms of the ICO’s letter of 8 August 2013.

I understand that this undertaking is based on the terms set out in the ICO’s Managing Customer Contacts operating procedure. This procedure describes standards of behaviour customers can expect of ICO employees and the behaviour the ICO requests in return.

I understand that any future breach of this undertaking will result in the ICO ceasing all ongoing work on my complaints and/or requests for information without further notice.

Name: Paul Trummel

Signed: ______________________________

Date: ____________________

Louise Mottershead, PA to the Information Commissioner

The ICO’s mission is to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

PT-13-0814-0000

Editor’s Response to Christopher S Graham, Information Officer (ICO)

I have already explained the difference between my position as Chief Executive Officer, Contra Cabal Foundation Ltd. and as a first party “customer” of ICO.

Some investigative journalists have a conflict of interest caused by manipulation of their rights in attempts to protect unlawful relationships among public officials, regulators and politicians. However, they must report the truth no matter whom they offend and with disregard for the consequences of publication. Accurate reporting predicates a higher purpose and the common good.

Journalists do not solicit personal opinions; instead, they inform sources that they should address only matters of fact. Notices declare personal or conflicting interests that relate to topics or to opinion especially when the content draws upon advocacy, experience, conclusion or interpretation and advise of a responsibility to gather information and develop public awareness about wrongdoing and violation of codes of conduct.
Christopher S Graham, Information Commissioner (ICO) received a prepublication notice (07 Aug 13) and has since effectively tried to impose an illegal prior restraint effectively using blackmail and extortion.

The crime of blackmail involves a threat in an attempt to compel a person to act against his or her will for the purpose of restricting publication of information which satisfies a public interest. Technological blackmail used by public sector officials follows similar protocols. In some cases, the blackmailer sends a threat of exposure of an illegal act the victim allegedly committed if the victim fails to comply with his demands. Blackmail is punishable by a fine, imprisonment or both and the team defines synonymously with extortion.

Under common law, extortion defines as misconduct in public office when bureaucrats receive taxpayer-funded salaries. It ranks as an oppressive misuse of power. Most jurisdictions have statutes governing extortion that broaden the common-law definition to that effect. Virtually all extortion statutes require that a threat must be made to the person or property of the victim. In the case of ICO, the term “property” covers copyright published material and ICO complaints. It may only need a threat to enforce a prior restraint or deny refusal of services by public sector officials; moreover, that threat does not have to relate to an unlawful act.

Graham has disingenuously merged two distinct functions allegedly to obfuscate the unlawful handling of issues by his employees:

1. Contra Cabal Foundation Ltd. publisher of Contra Cabal web sites.
2. Paul Trummel, Professor Emeritus, the first party in various FOIA/EIR/DPA requests for documents and internal reviews.

These items classify separately with particular rules and laws which govern them. Therefore, Graham must treat them as separate entities.

Both issues have as their thesis: Dangerous carbon monoxide and other dangerous gas emissions in public and private sector housing in UK, explained in the recent submission and acceptance of a memorandum to a House of Commons regulatory committee.

Memorandum

Dangerous Carbon Monoxide and other Noxious Gas Emissions in Public Housing

To the Independent Regulation Committee of the Homes and Communities Agency, Communities and Local Government Committee appointed by the House of Commons to examine the administration, expenditure and policy of the Department for Communities and Local Government and associated public bodies.

[House of Commons Memorandum]

ICO has not used due diligence in addressing with particularity other issues which concern the first party (Paul Trummel). They must now arrange for independent review of the appalling
mess that now exists as the result of a mix of ICO technological ignorance, administrative and legal incompetence and bureaucratic machination.

Approximately twenty FOIA/EIR/DPA requests, submitted by the first party during the past 18 months, concern alleged criminal activity and misconduct in public office by Health & Safety Executive (HSE) and Homes & Communities Agency (HCA) which have not been adequately reviewed by ICO. Graham has denied requests for names of officials making arbitrary decisions without any standing in law and contrary to his own mandates.

9. Providing your Name to Customers

We aim to be as open as possible and staff would normally be expected to provide their full name and department over the telephone. However, if you are taking enquiries from members of the public and are concerned about giving your full name because of the specific behaviour of a particular customer, you may give only your first name and department. Mention any such instances and the reason for withholding your last name to your line manager. Under no circumstances should a member of ICO staff refuse to provide any name to a customer. If a customer indicates that they are not happy that you have not provided your full name, provide your line manager’s full name and give details of the service complaint procedure. On letters or emails, full names and direct dial telephone numbers should always be provided, unless agreed in exceptional circumstances by line manager with a note added to the case.

[Operating Procedure - Managing Customer Contacts]

[Some of the Outstanding Requests]

With his threats to an international journalist first published in 1944 and without a single legitimate challenge to the content of his published work, Graham has allegedly used unsubstantiated libel, blackmail and extortion. That opens the door to investigation by law enforcement agencies especially Police Central e-crime Unit (PCeU). Multiple criminal complaints perpetrated by ICO in a consort with HSE and HCA officials under Freedom of Information Act 2000, Section 77, and other laws in pari materia, impend a filing.

As it stands, Graham has neither addressed specific issues nor attributed them to an appropriate source and has withheld details of the ICO staff involved contrary to ICO published procedures.

[CG-13-0808-0000]

Graham’s submission enables elevation to The Information Rights Tribunal, now part of the First-Tier Tribunal in the General Regulatory Chamber (First-Tier Tribunal - Information Rights). His letter and threats classify as an attempt at retroactive preemption. The term “retroactive preemption” means an unlawful and disingenuous time-warp stratagem designed
to preempt filing a complaint using corrupted evidence and documents that the parties should have exchanged during a disclosure process.

All ICO correspondence and actions since 20 Aug 11 which relate to requests for documents apply to gas appliance inspections and form part of a "retroactive preemption": a scam to prevent inspection by an independent structural engineer and gas technician.

[Retroactive Preemption and Stitch-Up]

If the first party does not receive all the information requested, then he will skip the level for non-compliance by ICO with its own directives. He will then elevate the issues directly to the appropriate courts and law enforcement agencies citing Graham for deliberately withholding information required under legal disclosure protocols. He received a list of the outstanding issues as one of the four attachments to correspondence (08 Aug 13).

Any further attempts to confuse the issues by issuing new case numbers, combining publishing issues with ICO complaints or other disingenuous behaviour will result in the immediate filing of criminal complaints against the individuals involved.

Paul Trummel, Professor Emeritus
Chairman and Chief Executive Officer, Contra Cabal Foundation Limited.

[Letters to the Editor]

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