



**First-Tier Tribunal  
(General Regulatory Chamber)  
Information Rights**

**Appeal reference:  
EA/2017/0018**

**Decided at Field House  
Without a hearing**

**Before**

**JUDGE PETER LANE  
JOHN RANDALL CBE  
MARION SAUNDERS**

**Between**

**DR JOHN FOX**

**Appellant**

**and**

**(1) THE INFORMATION COMMISSIONER**

**(2) THE MINISTRY OF DEFENCE**

**Respondents**

## **DECISION AND REASONS**

1. The appellant asked the second respondent for access to file WO 208/3422 "being held at the MoD away from public inspection at the National Archives Kew".
2. On 27 June 2016, the second respondent confirmed that the information was held. The second respondent, however, refused to provide it, on the basis that the information was subject to the absolute exemption in section 23(1) of the Freedom of Information Act 2000.

3. Section 23(1) exempts from the duty of disclosure information that “was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3)”. Those bodies are sometimes referred to for convenience as the specified security bodies.

4. Having viewed the information, the first respondent was satisfied that all the withheld information was exempt from disclosure on the basis of section 23(1) because it was supplied by, or relates to, one of the bodies listed in section 23(1). It issued a decision notice to that effect.

5. The appellant appealed against that decision notice. All the parties were content for the appeal to be decided without a hearing and, in all the circumstances, we are satisfied that we can justly do so.

6. The Tribunal panel has examined the withheld information. Having done so, we are entirely satisfied that all of it falls within the exemption in section 23(1). That exemption is absolute. It is not subject to any public interest balancing exercise.

7. The appeal is dismissed.

8. This decision is unanimous.

**Judge Peter Lane**

**18 September 2017**