



**In the First-tier Tribunal
(General Regulatory Chamber)**

Information Rights

Before: **Judge Hazel Oliver**

Appellant: **Edward Williams**

Respondent(s): Information Commissioner

**The Foreign Commonwealth and Development
Office**

Upon the application by Edward Williams for permission to appeal the decision sent to the parties on 15 September 2023 (“the Decision”)

Permission to appeal is refused

REASONS

1. The Applicant’s grounds of appeal are set out in his email of 15 September 2023 as follows:

“I seek PTA, section 27 FOIA does not apply to the BOTs.

I note the absence of authority or persuasive precedent.”

2. Having considered the application, I find that there is not an arguable error of law, or exceptional circumstances of the kind described in Christie v Information Commissioner [2022] UKUT 315 (AAC), that would justify a grant of permission to appeal.
3. The Applicant’s grounds refer to “the BOTs”, which I take to mean the British Overseas Territories. The Tribunal found in its decision that Ascension Island and other overseas territories were a “state” for the purposes of the exemption in section 27(1)(a) of the Freedom of Information Act 2000 (“FOIA”). The Applicant says that this is incorrect.
4. I do not find that there is an arguable error of law in the Tribunal’s decision for the following reasons:
 - a. The Applicant is correct that the Tribunal did not refer to any appellate authority on this point. However, there is clear guidance from the Information Commissioner that the exemption covers the overseas territories of the UK, and the Tribunal also took account of evidence from the Second Respondent in deciding that the exemption applied (as explained in paragraph 16 of the decision). The Applicant has not put

forward any argument as to why he says this decision was legally incorrect.

- b. In any event, the withheld information also referred to other states that are not including overseas territories, including but not limited to the United States (paragraph 16 of the decision). This means that the exemption was engaged even if overseas territories of the UK are not covered by the exemption.
5. The Applicant disagrees with the Tribunal's decision but has not in my view identified an arguable error of law. Accordingly, I refuse permission to appeal.
6. The Applicant is entitled to renew his application to the Upper Tribunal.

Signed: *Judge Hazel Oliver*

Date: 27 September 2023