

## **Environmental Information Regulations 2004 (EIR)**

### **Decision notice**

**Date:** 7 June 2016

**Public Authority:** Borough of Poole  
**Address:** Civic Centre  
Poole  
BH15 2RU

#### **Decision (including any steps ordered)**

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1. The complainant has requested information on behalf of a client, relating to the development of a neighbouring private property. Borough of Poole ("the Council") disclosed some information but withheld the remainder citing the non-disclosure exceptions at regulation 12(4)(e) (internal communications), and 12(5)(b) (course of justice).
2. The Commissioner's decision is that the Council was not entitled to rely upon the exceptions at regulation 12(4)(e) and 12(5)(b) to withhold information.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - Disclose to the complainant the documents withheld under regulation 12(4)(e) and 12(5)(b) (that is, documents 15, 19, 31, 32, 34, 42, 43, 44, 45, 54, 57 and 58), taking care to redact any personal data the disclosure of which would breach the Data Protection Act 1998.
4. The Council must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Request and response

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5. On 30 March 2015, the complainant wrote to the Council and requested information in the following terms:

*"Planning Application [reference number redacted]. Please supply copies of all correspondence, emails and other written notes between the Council and the Applicant or the Council and the Agent in connection with the determination of the above planning application between the 19 September 2014 and 19 November 2014.*

*Copies of all correspondence, emails and other written communications in relation to the Modification Order which is proposed by the Council in respect of the above premises from the 20 November 2014 to date.*

*Copies of all correspondence, emails and other written communications between Council officers and the developers and agents in respect of an investigation of an unlawful development at [address redacted] from 10 January to date."*

6. Following the Commissioner's intervention, the Council responded on 31 July 2015. It disclosed some of the requested information. It also provided a schedule of documents which represented the entirety of the information it held in relation to the request. The schedule described each document, stated whether or not it had been disclosed and, if not, why not. It cited the following non-disclosure exceptions as justification for withholding information:

- regulation 12(4)(e) - internal communications
- regulation 12(5)(f) - interests of the person supplying the Information to the Public Authority

7. The schedule of documents also identified that personal information, such as personal email addresses and mobile phone numbers, had been redacted from some documents, although the Council did not cite the appropriate non-disclosure exception (regulation 13(1)).

8. The complainant requested an internal review on 16 August 2015, challenging the application of the exceptions. He also observed that the schedule of redacted documents seemed to omit specific documents he would expect the Council to hold.

9. The Council provided the outcome of its internal review on 7 September 2015. It accepted that two documents had been incorrectly withheld and

disclosed them. It upheld its decision to withhold the remaining information and stated that the Council had declared all the remaining, relevant information it held in the schedule of documents.

## Scope of the case

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10. The complainant contacted the Commissioner on 28 September 2015 to complain about the way his request for information had been handled. He had concerns about what he referred to as “gaps” in the schedule of information declared by the Council, citing correspondence submitted by him and his client about an enforcement complaint, to which the Council appeared to hold little related information.
11. He subsequently clarified that he also wished to challenge the application of regulation 12(4)(e) and 12(5)(f), and agreed to exclude the redactions made for information covered by regulation 13(1) (personal data) from the scope of the investigation.
12. During the Commissioner’s investigation the Council introduced a new exception, regulation 12(5)(b) (the course of justice), to withhold information in respect of various documents. It also changed the basis on which it applied regulation 12(4)(e), applying it to documents it had previously claimed were covered by other exceptions. It also withdrew its reliance on regulation 12(5)(f) to redact information from document 81, and applied regulation 13(1) instead.
13. It was also noted during the investigation that the emails in document 99 are dated 16 April 2015, which was after the request was received by the Council. When responding to requests for information, a public authority is only required to consider the information it held at the point the request was received. Therefore, since document 99 was not held by the Council at the point the request was received, it falls outside of the scope of the request and has not been considered in this decision notice.
14. The Council’s final position with regard to the documents it held which it maintained should be withheld from disclosure and the reasons why was therefore as follows:

Document ref	Initial exception used	Exception after review	Exception after revised consideration
15	12(4)(e)	12(4)(d)	12(4)(e)
19	12(4)(e)	12(5)(b)	12(5)(b)
31	12(4)(e)	12(4)(d)	12(4)(e)
32	12(4)(e)	12(4)(d)	12(5)(b)
34	12(4)(e)	12(4)(d)	12(4)(e)

42	12(4)(e)	confirmed 12(4)(e)	12(5)(b)
43	12(4)(e)	12(5)(b)	12(5)(b)
44	12(4)(e)	12(4)(d)	12(4)(e)
45	12(4)(e)	confirmed 12(4)(e)	12(5)(b)
54	12(4)(e)	confirmed 12(4)(e)	12(5)(b)
57	12(4)(e)	confirmed 12(4)(e)	12(5)(b)
58	12(4)(e)	confirmed 12(4)(e)	12(5)(b)
81	12(5)(f)	confirmed 12(5)(f)	13(1)
99	12(4)(e)	confirmed 12(4)(e)	Out of scope

15. Following the combined cases of the Home Office v Information Commissioner (GIA/2098/2010) and DEFRA v Information Commissioner (GIA/1694/2010) in the Upper Tribunal, a public authority is able to claim a new exemption or exception either before the Commissioner or the First-tier Tribunal and both must consider any such new claims.
16. The Commissioner has therefore considered the Council's application of section 12(4)(e) and 12(5)(b). He has not considered the application of regulation 13(1) to document 81, which had been disclosed in a redacted form, because it relates to redactions of personal data (name and address) and the complainant had agreed that such information may be excluded from the scope of the Commissioner's investigation.

## Reasons for decision

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### 12(5)(b) - Adverse effect to the course of justice

17. Regulation 12(5)(b) of the EIR states that a public authority may refuse to disclose information to the extent that its disclosure would adversely affect –

*“the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature.”*

18. The Council applied regulation 12(5)(b) to eight documents:
- doc 19 - correspondence between Legal Services and the Planning Team regarding a draft letter to the architects
  - doc 32 - draft letter to complainant prepared by Legal Services
  - doc 42 - emails regarding instructions required
  - doc 43 - emails between Legal Services and Planning Team in respect of the wording of a letter to the complainant

- doc 45 - email between the Planning and Legal Team officers considering the matter
  - doc 54 - email regarding arranging a meeting to discuss a letter from the complainant
  - doc 57 - internal emails between the Planning and Legal Teams
  - doc 58 - internal emails between the Planning and Legal Teams
19. The Council explained that the withheld information related to internal communications relating to legal advice. It regarded this regulation as providing protection in respect of information because the course of justice includes the convention of legal advice privilege.
20. Legal professional privilege protects the confidentiality of communications between a lawyer and a client. It has been described by the Tribunal, in the case of *Bellamy v the Information Commissioner and the DTI*<sup>1</sup> as:
- "...a set of rules or principles which are designed to protect the confidentiality of legal or legally related communications and exchanges between the client and his, her or its lawyers, as well as exchanges which contain or refer to legal advice which might be imparted to the client, and even exchanges between the clients and their parties if such communication or exchanges come into being for the purpose of preparing for litigation."* (paragraph 9)
21. There is no specific exception within the EIR referring to information which is subject to legal professional privilege. However, both the Commissioner and the Tribunal have previously decided<sup>2</sup> that regulation 12(5)(b) encompasses such information. The Commissioner considers that legal professional privilege is a key element in the administration of justice and a key part of the activities that will be encompassed by the phrase 'course of justice'.
22. In order to reach a view as to whether the exception is engaged the Commissioner must firstly consider whether the information is subject to

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<sup>1</sup> Appeal no. EA/2005/0023

<sup>2</sup> See, for example, EA/2006/0001 *Kirkaldie v ICO & Thanet District Council*, paragraph 21

legal professional privilege and then decide whether a disclosure of that information would have an adverse effect on the course of justice.

23. There are two types of privilege – litigation privilege and legal advice privilege. The Council was provided with the Commissioner's definition of each, together with the criteria which would need to be met for them to apply. From this, the Council confirmed to the Commissioner that the withheld information attracted litigation privilege.
24. Litigation privilege is available in connection with confidential communications made for the purpose of providing or obtaining legal advice in relation to proposed or contemplated litigation. The communications must be confidential, made between a client and professional legal adviser acting in their professional capacity, and made for the sole or dominant purpose of obtaining legal advice.
25. Litigation privilege may only be relied upon in circumstances where the following criteria are met:
  - Where litigation is underway or anticipated. Where litigation is anticipated there must be a real likelihood of litigation taking place; it is not sufficient that litigation is merely a possibility;
  - The dominant purpose of the communications must be to obtain advice to assist in the litigation;
  - The communications must be made between a professional legal adviser and client although privilege may extend to communications made with third parties provided that the dominant purpose of the communication is to assist in the preparation of the case.
26. The Commissioner referred the Council to these criteria and asked it to demonstrate, with reference to them, how the withheld information met the requirements for attracting litigation privilege. He also asked whether such privilege had at any time been waived and why disclosure of such information would adversely affect the course of justice. He asked it to ensure that the explanation it provided demonstrated a clear link between the disclosure of the information that has actually been withheld and any adverse effect. He also asked the Council to set out the public interest arguments it had taken into account when determining whether or not to disclose the withheld information.
27. In its response dated 16 March 2016, the Council said the following:

*"[the eight documents] constitute internal communication relating to legal advice. Having re-considered I now believe the documents should be covered by Litigation Privilege as they contain advice*

*provided from solicitors employed in the Council's Legal Services. There is no current legal challenge on this matter however, in his internal review request into the Council's response, the applicant does ask for confirmation that time delays in the Council dealing with this request "would not raise any issues of timeliness in the context of any Judicial review".*

*This suggests that a further legal challenge is being considered and is therefore a possibility. Disclosure would be likely to be unfair to the Council's position in this process and affect its ability to defend any actions brought against it."*

28. As set out in the criteria at paragraph 25, litigation privilege applies to confidential communications made for the purpose of providing or obtaining legal advice about proposed or contemplated litigation. There must be a real prospect or likelihood of litigation, rather than just a fear or possibility. The Commissioner considers that the Council has failed to demonstrate that litigation over this matter is a real likelihood rather than just a fear or possibility.
29. The Council's arguments to the Commissioner in support of litigation privilege applying are based solely on the basis of the complainant's comment querying whether delays "*would not raise any issues of timeliness in the context of any Judicial review*". It anticipates from this that the complainant might take such action in the future.
30. The Commissioner considers the use of the word "*any*" to be speculative and not indicative of any fixed intention. For the purposes of considering whether the information attracts litigation privilege, he does not consider that the Council's arguments demonstrate "*a real prospect or likelihood of litigation*". Rather, litigation appears to be only a "*possibility*", a word that the Council itself used to describe the likelihood of litigation and which the above criteria make clear is not adequate grounds for considering that information attracts litigation privilege.
31. Furthermore, the Council states that the complainant made the reference to Judicial Review at the internal review stage of his request, and therefore after the withheld information had been created. The criteria set out at paragraph 25 specify that the dominant purpose of the communication must be for litigation. If the potential for litigation only became apparent *after* the communications were made, it cannot be argued that the dominant purpose of the communications was for litigation and thus the information cannot be subject to litigation privilege.
32. The withheld information exhibits caution on the part of the Council and an evident belief that its contents are sensitive. However, as set out

above, those are not adequate reasons for considering that it attracts litigation privilege.

33. The Commissioner further notes that the Council's response did not address the specific questions of whether legal privilege had been waived at any time, why disclosure would adversely affect the course of justice or its consideration of the balance of the public interest. Thus, even if the Commissioner had been able to conclude that the information attracted litigation privilege, he would have had insufficient evidence from which to draw the conclusion that its disclosure would adversely affect the course of justice, or that the public interest favoured maintaining the exception.
34. It is not for the Commissioner to apply arguments on behalf of the Council. The Council was informed by the Commissioner that it must justify its position and it was provided with the Commissioner's guidance on how he deals with complaints<sup>3</sup> which clearly states that it is the public authority's responsibility to satisfy the Commissioner that information should not be disclosed and that it has complied with the law. Furthermore, the Commissioner's guidance on regulation 12(5)(b) states:

*"For regulation 12(5)(b) to apply to legally privileged information, the public authority must demonstrate that disclosure of the requested information would have an adverse effect on the course of justice."*

35. The Council was given two opportunities to provide substantive responses in support of its decision to withhold information and it was guided as to the information it should provide to support its case. The Commissioner's letter of 17 February 2016 was very specific as to the questions which needed to be answered in order to demonstrate that regulation 12(5)(b) applied and the Council failed to address them in any depth.
36. The Commissioner considers that the Council has been provided with sufficient opportunity to provide its rationale for withholding the requested information but that it has failed to demonstrate convincingly that the withheld information is subject to litigation privilege in this case. As the Council has not provided sufficient arguments to support the application of the exception to the specific information in this case,

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<sup>3</sup> <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>



the Commissioner has no choice but to conclude that the exception at regulation 12(5)(b) is not engaged.

### **12(4)(e) – internal communications**

37. Regulation 12(4)(e) of the EIR states that a public authority may refuse to disclose information to the extent that the request involves the disclosure of internal communications. The purpose of this exception is to allow a public authority to discuss the merits of proposals and the implications of decisions internally without outside interference.
38. The Commissioner acknowledges that the concept of 'internal communications' is broad and covers all internal communications, not just those actually reflecting internal thinking, and will include any information intended to be communicated to others or to be placed on file where others may consult it. However, the Commissioner considers that the underlying rationale behind the exception is that public authorities should have the necessary space to think in private.
39. Regulation 12(4)(e) is a class-based exception so it is not necessary to consider the sensitivity of the information in order for it to be engaged. A wide range of internal documents will therefore be caught. However, this exception is, of course, nevertheless subject to the public interest test outlined in regulation 12(1)(b) of the EIR.

*Does the withheld information constitute 'internal communications'?*

40. The EIR do not provide a definition of what constitutes an internal communication. In considering the application of 12(4)(e), the Commissioner has therefore had regard to his published guidance on this exception<sup>4</sup>. This states that a "communication" will include any information intended to be communicated to others or saved in a file where it may be consulted by others. An "internal communication" is such a communication within one public authority.
41. The Council applied regulation 12(4)(e) to withhold four documents:
  - doc 15 - notes responding to the complainant's letter

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<sup>4</sup> [https://ico.org.uk/media/for-organisations/documents/1634/eir\\_internal\\_communications.pdf](https://ico.org.uk/media/for-organisations/documents/1634/eir_internal_communications.pdf)

- doc 31 - notes from a council officer in response to complainant's letter of the 8th December
- doc 34 - draft officer's report in respect of a proposed modification to the planning application.
- doc 44 - draft letter to the complainant prepared by Legal Services

42. Having considered the withheld information, and consulted his guidance, the Commissioner is satisfied that the withheld information falls within the class of information described in regulation 12(4)(e). He is therefore satisfied that regulation 12(4)(e) is engaged in respect of that information.

*The public interest test*

43. As he is satisfied that regulation 12(4)(e) is engaged, the Commissioner has gone on to consider the public interest test attached to the application of this exception, as required by regulation 12(1)(b) of the EIR. The test is whether, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.
44. When carrying out the test the Commissioner must take into account that the EIR carry a presumption in favour of disclosure of the information. With this in mind the Commissioner asked the Council to explain the public interest arguments it had considered both in favour of and against disclosing the requested information, and how it had determined that, on balance, the public interest favoured maintaining the exception.

*Public interest arguments in favour of disclosing the requested information*

45. The Council did not explain what public interest arguments in favour of disclosure, if any, it had considered when reaching its decision.
46. The Commissioner acknowledges that the complainant has a private interest in the matter. However, he has not received any representations from the complainant as to the public interest in support of disclosing the requested information.
47. The Commissioner considers that there is always a general public interest in disclosing environmental information. This is derived from the purpose behind the EIR. In addition, there may be an argument for informing public debate on the particular environmental issue that the information relates to. Certainly where planning matters are concerned

there is often a degree of contentiousness about planning projects due to the effect on the environment and on surrounding communities.

48. The Commissioner also accepts that there is an inherent public interest in the openness and transparency of public authorities and their decision making processes.

*Public interest arguments in favour of maintaining the exception*

49. Early in the investigation the Council offered brief, generic public interest arguments in respect of the individual documents, and the Commissioner has firstly referred to them.
50. In respect of documents 15, 31 and 44, the Council stated that the comments contained in the documents were provided to assist in formal responses to the complainant's letters and if disclosed may lead to a reluctance among officers creating records to assist in dealing with queries, in a way that the ICO refers to as "safe space".
51. In respect of document 34, it said that this was a draft version of the Case Officer Report, a final version of which had been disclosed. It stated "*As the final report is published, I believe this meets the public interest*".
52. The Commissioner requested more detailed arguments about the Council's consideration of the public interest. It was asked to ensure that its submissions focussed on the content of the information that had actually been withheld rather than simply being generic public interest arguments. The Commissioner also asked the Council to clarify its position regarding its "safe space" argument, in light of its statement that its consideration of the planning matter had ended by the time the request was received.
53. In response, the Council offered only the following comments:
- "In your letter you mention the difference between 'safe space' and the 'chilling effect' in response to my description under the public interest test. As far as the information in these documents is concerned, a reply has been sent and I consider this particular part of the case is closed. Therefore under the guidance, and in addition to my previous letter, the chilling effect would be the most appropriate argument in considering the public interest test"*
54. The Commissioner has taken this as the Council withdrawing "safe space" arguments and substituting "chilling effect" arguments in relation to documents 15, 31 and 44. However, the Council did not explain why it considered disclosure of the withheld information in this case would result in a chilling effect nor what the broader consequences of that

effect might be. It has also failed to provide any explanation as to how it balanced the public interest in disclosure against that in maintaining the exception.

*Balance of the public interest*

55. When balancing the opposing public interests in a case, the Commissioner is deciding whether it serves the public interest better to disclose the requested information or to withhold it because of the interests served by maintaining the relevant exception. If the public interest in the maintenance of the exception does not outweigh the public interest in disclosure, the information in question must be disclosed.
56. In balancing the public interest arguments in this case the Commissioner has given consideration to the Council's claim that disclosure of documents 15, 31 and 44 would result in a chilling effect. He notes that it has not elaborated on why this would be likely to occur or what the broader consequence of this may be.
57. Chilling effect arguments are concerned with the argued subsequent loss of frankness and candour in debate or advice which it is said would result from disclosure of information under the EIR or the FOIA.
58. The Commissioner considers that chilling effect arguments will be particularly persuasive when officials are considering sensitive matters and proposing controversial approaches. In this case, although the Council has not elaborated, it is reasonable to infer from the general facts of the case that the Council considers that its officers would be deterred from providing detailed views on planning matters if they are of the view that they could subsequently be disclosed. This would mean that officers would be less likely to document their thinking, which may lead to an inconsistent approach to public policy implementation.
59. In this case, the Commissioner is simply not persuaded that the withheld information has the necessary level of sensitivity that, if it were disclosed, would inhibit the free and frank provision of advice and exchange of views. While the Council might *prefer* that the information remain confidential, the Commissioner considers that public officials should expect their decision making will be subject to certain levels of public scrutiny and that they should be robust enough to withstand as much without this inhibiting them in the proper execution of their duties.
60. With regard to document 34, the Council has offered no meaningful explanation of its public interest considerations and has relied merely on a statement that disclosure of a final version of the document satisfies the public interest.

61. The Commissioner recognises that there might be changes or notes in the draft version of the report which might assist the public to understand the final version of the report. Therefore, and mindful that the EIR carry a presumption in favour of disclosure, the Commissioner considers the Council's assertion carries little weight.
62. As with the application of regulation 12(5)(b), the Commissioner considers that the Council has been given ample opportunity and assistance to make its case that the public interest in the maintenance of the exception outweighs that in the information being disclosed, but that it has failed to do so. He has therefore concluded that the public interest favours the disclosure of the information and that the Council was not entitled to rely on regulation 12(4)(e) to withhold documents 15, 31, 34 and 44.

### **Extent of information held**

63. Section 5(1) of the EIR states that any person making a request for environmental information is entitled to be informed by the public authority whether it holds the information and if so, to have that information communicated to him.
64. In cases where there is some dispute about the amount of information located by a public authority and the amount of information that a complainant believes might be held, the Commissioner – in accordance with a number of First-tier Tribunal decisions – applies the civil standard of the balance of probabilities. In essence, the Commissioner will determine whether it is likely or unlikely that the Council holds information relevant to the complainant's request.
65. The Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the public authority to check that the information is not held and any other reasons offered by the public authority to explain why the information is not held. He will also consider any reason why it is inherently likely or unlikely that information is not held. For clarity, the Commissioner is not expected to prove categorically whether the information was held, he is only required to make a judgement on whether the information was held on the civil standard of the balance of probabilities.
66. In this case, the complainant clearly believes that the Council must hold more information than it has declared in the schedule of information. He has pointed to a complaint his client made. He considers that this must have generated some recorded information at the Council's end.
67. With this in mind, the Commissioner asked the Council to justify its position that it did not hold any further, relevant information other than

that which it had declared in the schedule of information. He asked a series of detailed questions aimed at determining the extent of the Council's searches and any specific reasons it had for considering that it did not hold further information.

68. The Council explained to the Commissioner why it was satisfied that it did not hold any further information beyond that which it had declared in the schedule of information. All the information it held had been detailed in the schedule of information provided in the original response, and either disclosed or exceptions had been applied. The Council considered that it had engaged properly with the request, as evidenced by it reversing its decision to withhold some documents, at the internal review. It did, however, accept that its initial response had been delayed.
69. The Council explained that planning-related communications could be received by it via three routes: by hard copy sent to its postal address, by email, or online via an application on the Council website.
70. The Council uses a document management system, Idox, to retain all information electronically, and correspondence is retained in its planning database, Acolaid. If appropriate, correspondence received relevant to a planning application will be uploaded to the planning application file on the Council's website. Hard copy letters, documents or photographs are scanned using the Idox system and will also be held in the appropriate planning file. Case information is stored in the Acolaid system, in mailboxes and in the Council's planning shared network. It is not held on local computers (eg laptops).
71. The Council had conducted searches of the planning database, the planning website, individual officer email accounts and generic email accounts for planning applications and for tree works applications.
72. Officers were instructed to search for all information described in the request correspondence. Searches were conducted using planning application references, site address, applicant name and agent name.
73. The searches had produced the information which was disclosed to the complainant and that which was declared in the schedule of information. It was satisfied that it held no further, relevant information.
74. Addressing the question of whether other information might at some point have been held and subsequently deleted, it said that it held no record of such an action having taken place. Documents which are scanned and published on the website are held permanently. Planning application forms, planning decision notices and approved plans will always be held permanently in line with planning legislation. Currently

all background papers (including emails, letters of representation, general correspondence and superseded drawings) are also retained although the Council is considering amendments to its document retention policy which might impact on this in future.

*The Commissioner's decision*

75. The complainant considers that the volume and nature of his correspondence with the Council would have caused it to generate more documentation than the Council has declared in the information schedule.
76. However, the Commissioner is satisfied that the Council has provided him with a detailed description of its document management systems, retention policy and the searches that it conducted for information described in the request. It has explained how its records management system is structured and why the particular searches carried out would be expected to return relevant information, if held.
77. The Commissioner considers it likely in this case that the complainant's perception of how much information his correspondence generated on the Council's side is at odds with how much it actually did generate. This is not to say that the Council did not action the complainant's correspondence; rather, it may simply not have recorded information about it in the manner or to the extent that the complainant expected. The question of whether the Council *should* have created and held more information is not a matter that the Commissioner may consider.
78. Taking all the above into account, the Commissioner has concluded that on the balance of probabilities the Council does not hold more information than that disclosed to the complainant or described in the information schedule.

**Other matters**

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79. The Commissioner has made a separate record of the time taken by the Council to respond to the request. This issue may be revisited should evidence from other cases suggest that this is necessary.

## Right of appeal

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80. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

81. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
82. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed** .....

**Samantha Bracegirdle**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
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