

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 29 October 2021

Public Authority: Plymouth City Council
Address: Civic Centre
Plymouth
PL1 2AA

Decision (including any steps ordered)

1. The complainant requested information relating to emissions and authorisations relating to an Energy from Waste facility (an EfW). The council refused some parts of the request on the basis that Regulation 12(4)(b) applied (manifestly unreasonable) and refused other parts on the basis that the information is not held (Regulation 12(4)(a)).
2. The Commissioner's decision is that the council was correct to apply Regulation 12(4)(b) to the information. She has also decided that the council is correct to apply Regulation 12(4)(a) on the basis that no further information is held by it.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 9 June 2020, the complainant wrote to the council and requested information in the following terms:

I requested the Internal review from 2 June 2019 to 27 March 2020 for a specific reason.

That reason was that MVV has not supplied the requested information or followed the FOI / EIR Guidelines to supply that information.

If the South West Devon Waste Partnership/PCC have not received those information requests to action then MVV Environment Devonport Ltd. have failed to follow the procedure laid down in the contract.

The information requests to MVV are contained within the emails below.

This should provide the clarification you need...

*.....Please provide the outstanding information.(for ease I have * the outstanding information)*

5. From 14 January 2020

*1. The full detailed response account of the incidents I reported, including copies of diary entries, telephone notes, completed incident forms, follow up action to the relevant organisations.

*2. The list of your HSE Air Pollution Public incident procedures and Response times

*3. Your Registered Portable MCERTS approved Equipment for taking offsite readings on such occasions

*a) The actual readings that were relayed back to the regulator

6. From 20 November 2019

*Equipment maintenance procedures that have been undertaken documented compliance of manufactures recommendations and relevant modifications January 2020

*Proof of regular periodical diagnostic tests carried out to check for full scale validation(the response of the instrument to a range of standards which are traceable to National Standards).

*Analysis to provide a calibration function to confirm confidence limits. CEMS MCERTS approved certification Independent Reading

comparisons. Registered UKAS and Environment Agency Audit involvement.

7. From 11 November 2019

*Can you please list what action has been taken with regards to :

*1. Site Accreditation

*2. Installation of Control and Site stack Monitoring Equipment

8. From 3 October 2019

*1. The complete and actual (daily and hourly) incinerator schedule (in table form) for the different types of specific materials that were incinerated between 0001 to 1000 on 24/4/2019 through to 2400hrs on the 05/05/2019

*2. The full details of the annual filtration maintenance carried out for the incinerator stack in June 2019

*4. The actual half hourly interval readings for Continuous Monitoring in table form within the time period of my original request

*5. Site Safety certification records for 2015 to Sept 2019

*6. Please supply a link (or copy) of Audits A18031760 and A15031267 which should be contained within your site records.

9. From 5 September 2019.

*3. Please supply visitor book information (extracts) for visiting Dekra Staff during auditing period pertaining to audits (A18031760 and A15031267) 2018 and 2015.

10. The council responded on 27 August 2020. It said that the request was vexatious and applied section 14 of the FOI Act to refuse to respond further.

11. The complainant requested that the council review its decision on 30 September 2020.

12. Following an internal review, the council wrote to the complainant on 24 December 2020. It applied Regulation 12(4)(b) to the requests dated 11 November 2019, 3 October 2019, and 5 September 2019. In respect of the requests dated 14 January 2020 and 20 November 2019 it said that no further information was held beyond that already disclosed.

13. The council provided further information to the complainant on 25 January 2021.

Scope of the case

14. The complaint relates to the operation of an Energy from Waste facility at Devonport, Plymouth which is run by the company MVV. The council oversees the EfW insofar as it is required to by law and contract.
15. The complainant initially contacted the Commissioner on 13 June 2020 to complain about the way his request for information had been handled. In his complaint form he said that:

"The public body says it does not hold the information and I disagree, or I believe it holds more information than it has sent, I disagree with the public body's refusal to provide the information I requested"
16. The Commissioner sought to clarify what she considered therefore to be his grounds of the complaint with the complainant. She said that she considered his complaint to be that the council has not provided him with the information which he requested on 9 June 2020 by listing information he claimed to have also requested previously. The complainant did not specify any alternative scope so this case proceeded on that basis.
17. The following analysis covers whether the complainant's information request of 9 June 2020 was responded to correctly.

Reasons for decision

Background to the case

18. The council argued that much of the information requested in this request was offered previously to the complainant in a visit which he made to MVV during a site visit on 4 October 2019. It says that the site visit was intended to allay his fears that emissions from the EfW were making him ill, and that during that meeting the council sought to provide him with much of the information which he had requested previously in hard form. It also showed him around the facility. It said that the complainant had requested that the following information be provided to him in his site visit to the EfW on 4 October 2019:

- *The complete and actual (daily and hourly) incinerator schedule (in table form) for the different types of specific materials that were incinerated between 0001 to 1000 on 24/4/2019 through to 2400hrs on the 05/05/2019*
- *The full details of the annual filtration maintenance carried out for the incinerator stack in June 2019*
- *The mass emissions for the period from Jan to July 2019*
- *The actual half hourly interval readings for Continuous Monitoring in table form within the time period of my original request*
- *Site Safety certification records for 2015 to Sept 2019*
- *Please supply a link (or copy) of Audits A18031760 and A15031267 which should be contained within your site records."*

19. It argued that:

"All of the above information was discussed with [the complainant] and offered to him either for inspection or to take away. Although the information relating to site accreditation and the installation of Control and Site stack Monitoring Equipment was not included in [the complainant's] email, these items were also discussed with him and again, information was offered to him. In the majority of instances [the complainant] refused to even look at the information despite having requested access to it."

20. The council provided evidence to the Commissioner that this visit occurred, and that MVV sought to provide him with the information. The evidence was a signed submission from MVV providing a summary of the visit. This details the information which MVV sought to provide to the complainant on his visit. The complainant, however, argues that he was not provided with any information.
21. The council therefore argues that its response to the requests for this information takes into account that he was offered some of the same information in his visit to the facility, but he refused to take or inspect it.
22. Where this information was offered and refused by the complainant during this visit the council considers that this is further evidence that many of the requests are manifestly unreasonable and regulation 12(4)(b) is therefore applicable.

Regulation 12(4)(b) of the EIR

23. In its letter of 30 September 2020, the council applied the exception in Regulation 12(4)(b) to the requests for the information detailed below:

- *Can you please list what action has been taken with regards to Site Accreditation.*
- *Can you please list what action has been taken with regards installation of Control and Site stack Monitoring Equipment.*
- *The complete and actual (daily and hourly) incinerator schedule (in table form) for the different types of specific materials that were incinerated between 00.01 and 10.00 on 24/4/2019 through to 2400hrs on the 05/05/2019.*
- *The full details of the annual filtration maintenance carried out for the incinerator stack in June 2019.*
- *The actual half hourly interval readings for Continuous Monitoring in table form within the time period of my original request.*
- *Site Safety certification records for 2015 to Sept 2019.*
- *Please supply a link (or copy) of Audits A18031760 and A15031267 which should be contained within your site records.*
- *Please supply visitor book information (extracts) for visiting Dekra Staff during auditing period pertaining to audits (A18031760 and A15031267) 2018 and 2015.*

24. Regulation 12(4)(b) of the EIR states that:

For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that –

(b) the request for information is manifestly unreasonable;

25. Regulation 12(4)(b) can be applied when the request is vexatious; or when the cost of compliance with the request is too great.

26. In this case the Council confirmed that it was relying on regulation 12(4)(b) as it considers the request to be vexatious.

27. In practice, the only material difference between a request that is vexatious under section 14(1) of FOIA and a request that is manifestly unreasonable on vexatious grounds under the EIR¹ is that Regulation 12(4)(b) is subject to a public interest test where the exception is engaged.
28. The term "vexatious" is not defined in the FOIA. The Upper Tribunal (Information Rights) considered in some detail the issue of vexatious requests in the case of the *Information Commissioner v Devon CC & Dransfield*² (GIA/3037/2011). The Tribunal commented that vexatious could be defined as the "*manifestly unjustified, inappropriate or improper use of a formal procedure*". The Tribunal's definition clearly establishes that the concepts of proportionality and justification are relevant to any consideration of whether a request is vexatious.
29. In the Dransfield case, the Upper Tribunal also found it instructive to assess the question of whether a request is vexatious by considering four broad issues: (1) the burden imposed by the request (on the public authority and its staff), (2) the motive of the requester, (3) the value or serious purpose of the request and (4) harassment or distress of and to staff.
30. The Upper Tribunal did, however, also caution that these considerations were not meant to be exhaustive. Rather, it stressed the: "*importance of adopting a holistic and broad approach to the determination of whether a request is vexatious or not, emphasising the attributes of manifest unreasonableness, irresponsibility and especially where there is a previous course of dealings, the lack of proportionality that typically characterise vexatious requests*" (paragraph 45).
31. In the Commissioner's guidance, she suggests that the key question for public authorities to consider when determining if a request is vexatious is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation, or distress.

¹ <https://ico.org.uk/media/for-organisations/documents/1615/manifestly-unreasonable-requests.pdf>

² <https://www.judiciary.uk/judgments/info-commissioner-devon-county-council-tribunal-decision-07022013/>

32. The Commissioner has identified a number of indicators which may be useful in identifying vexatious requests. These are set out in her published guidance on vexatious requests³. In brief these consist of, in no particular order: abusive or aggressive language; burden on the authority; personal grudges; unreasonable persistence; unfounded accusations; intransigence; frequent or overlapping requests; deliberate intention to cause annoyance; scattergun approach; disproportionate effort; no obvious intent to obtain information; futile requests; frivolous requests.
33. The fact that a request contains one or more of these indicators will not necessarily mean that it must be vexatious. All the circumstances of a case will need to be considered in reaching a judgement as to whether a request is vexatious.
34. The task for the Commissioner is to decide whether the complainant's request was vexatious in line with the approach set out by the Upper Tribunal. In doing so she has taken into account the representations of the council and the evidence that is available to her. She will also refer to her published guidance on defining and dealing with vexatious requests.
35. Where Regulation 12(4)(b) is engaged, Regulation 12(1)(b) requires that a public interest test is carried out to determine whether the information should be disclosed even though the exception is engaged.

The complainant's position

36. The complainant is seeking information relating to the workings and emissions of the EfW. He is seeking information on the EfW so that he has an overview as to whether it is being run and monitored correctly. He has said to the council in the past that emissions from the facility resulted in him having a chest infection, however the council denies that the emissions from the facility would be the cause of this.
37. The information which he has requested is wide in scope. The Commissioner accepts that there is very strong value and purpose to the information requested being disclosed. It relates to an EfW facility, and details information such as the methods and measurement of emissions from the EfW, and the monitoring of this. The management of waste, and the measurement of emissions resulting from this, are an important

³ <https://ico.org.uk/media/for-organisations/documents/1198/dealingwith-vexatious-requests.pdf>

instrument in ensuring the health and safety of those living around such facilities.

38. In his letter to the council dated 12 October 2020 requesting that the council review its decision, the complainant categorically denied having been provided with information by MVV during his visit to the EfW on 4 October 2019.

The council's position

39. The council also recognises that there is a value and purpose to the requested information being disclosed. Its central issue with the requests is the burden which the complainant's requests are putting on both MVV and the council, and also the fact that he has refused to accept information from it in the past when he was offered this during his visit to the EfW site.
40. It also said that the complainant has also made repeated requests for information which he has already been provided with.
41. It clarified that the South West Devon Waste Partnership, is a collaboration between the council and Torbay Council to manage the EfW project on behalf of the parties. In respect of managing the contract, it said that it is staffed by a single individual who only works for part of the working week. It said that even before this request was received, this member of staff's work was overwhelmed by the quantity and frequency of requests received from the complainant. It argued that by the time that the request above was received the complainant had already submitted a total of 21 requests for information relating to the facility.
42. It argues that requests have been received within 24 hours of a previous response being sent, and sometimes the council has received multiple requests on the same day. It said that at this time the staff member was dealing with several of these requests simultaneously, and that was diverting significant time from the core business, resulting in whole days spent dealing just with the complainant's requests.
43. It said that in addition to impacting the council's service, the number and volume of the requests placed the staff member under excessive levels of professional pressure and an unjustifiable degree of personal stress. By 9 June 2020 the council considered that staff resources had to be diverted from another area to support the staff member in dealing with the complainant's requests.

44. It argued that it had already responded to several requests for information from the complainant, and he was granted access to the site and information relevant to these particular requests was offered to him. It confirmed that he also had a personal meeting with the Director of Public Health and that he has already been provided with evidence that the EfW could not be the cause of his chest infection.
45. It argued that MVV and the council have been completely transparent and open providing access to equipment, extensive documentation, details of emissions, evidence of continuous monitoring and confirmation that the incinerator is operating within legally prescribed limits and meeting all regulatory requirements.
46. It says, however, that the complainant still continues, after two years, to search for evidence to substantiate his hypothesis that the incinerator is the cause of his ill health.
47. The council considers that due to the level of openness and transparency of both MVV and it in relation to the operation of the energy from waste facility, evidenced by the quantity of information already disclosed into the public domain, the request for this information was felt to be of little additional value to the wider public interest.

The Commissioner's analysis

48. Firstly, the Commissioner notes that there are many different reasons why a request may be considered vexatious, as reflected in the Commissioner's guidance. There are no prescriptive 'rules', although there are certain characteristics and circumstances that assist in making a judgment about whether a request is vexatious. A request does not necessarily have to be about the same issue as previous correspondence to be classed vexatious, but equally, the request may be connected to others by a broad or narrow theme that relates them.
49. A commonly identified feature of vexatious requests is that they can emanate from some sense of grievance or alleged wrong doing on the part of the authority. This is the case in this instance; however, the Commissioner recognises that there are wider reasons why this information may be being requested, including having oversight that the council is managing the contract appropriately and that the EfW is being run in accordance with the appropriate specifications, accreditations and permits which have been required of it.
50. The Commissioner's guidance has emphasised that proportionality is the key consideration for a public authority when deciding whether to refuse a request as vexatious. The public authority must essentially consider whether the value of a request outweighs the impact that the request

would have on the public authority's resources in complying with it. Aspects that can be considered in relation to this include the purpose and value of the information requested, and the burden upon the public authority's resources.

51. The Commissioner has carefully examined the submissions of both parties and the arguments put forward.
52. She notes that the complainant's requests are often multifaceted, detailed and would require, as a whole, a significant amount of time to respond. In addition to this complaint, the Commissioner is also dealing with a number of other complaints from the complainant against the council, following the council's responses to other requests relating to how the facility is being run and the emissions emanating from it.
53. She notes that the complainant's requests are numerous, that they often overlap, and that the complainant refuses to accept that some of the information which the council provides is accurate or correct.
54. The Commissioner accepts that receiving numerous, complicated, and overlapping requests would place a burden upon the officer tasked with dealing with them, and that this is likely to cause feelings of stress and annoyance. These feelings would be compounded where requests are received for information which has been provided previously. This would particularly be the case where the information was provided, but refused, previously.
55. She notes the council's argument that it sought to provide the complainant with information in a site visit, but it argues that he refused to accept the information. The complainant disputes this, however, and states that he was not offered any information during his visit to the site. The situation, in this regard, becomes a case of comparing the complainant's version of events to MVV's. This being the case the Commissioner asked the council to provide confirmation from MVV as to the visit which took place and the information which MVV sought to provide to the complainant during that visit. The council provided a signed submission from senior officers at MVV which provided this information.
56. The Commissioner cannot categorically determine which party is correct in their arguments as to the information which was offered at that time. Nevertheless, both parties agree that the visit did take place, and the Commissioner accepts that the complainant was provided with significant access to the facility with a view to responding to some of the concerns he has about its operational safety, and how it measures any emissions which it outputs.

57. The council also argued that the complainant has also made requests where he disputes the information which was provided to him previously. The council gave a number of examples of this within its response to the Commissioner's questions.
58. It provided an example in respect of the request for a copy of Audits A18031760 and A15031267 dated 3 October 2019. It said that it had already supplied the complainant with a link to the audit certificates. The audit documentation held at the MVV site is in German. MVV do not hold a copy of this information in English. However, MVV did request the complainant's address so that they could provide him with a copy, but the complainant refused to tell them his address.
59. It said that MVV also provided their consent to DEKRA, who conducted the audits, for the disclosure of this information to the complainant in response to a request he made directly to it.
60. The Commissioner notes the council's argument that one part-time worker manages the contract, and that it had had to divert further resources in order to meet the burden which the complainant's requests were putting on the officer. However, she also notes that Plymouth City Council is not a small authority. Its website states that it is one of the largest employers in Plymouth, employing over 2500 employees⁴.
61. That being said, whilst she notes the wider value and purpose behind the request, she does not consider that it is right that the authority should need to divert its resources away from other functions to satisfy the concerns of one individual who has concerns about the facility. As it stood, the overwhelming number of requests made by the complainant, together with the level and detail of the information being requested, was seriously disrupting the council's management of the contract as the officer's time was being taken up simply responding to the complainant's requests.
62. When considered alongside the fact that some of this information has been disclosed to him previously, the Commissioner has decided, therefore, that complying with the complainant's request would be unreasonably burdensome and an unwarranted use of the Council's resources.

⁴ [About Plymouth City Council | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/about-plymouth-city-council)

63. The Commissioner's conclusion is that the request was manifestly unreasonable and, therefore, that regulation 12(4)(b) was correctly engaged by the council.

The public interest test

64. Regulation 12(1)(b) provides that:

...a public authority may refuse to disclose environmental information requested if –

(b) in all the circumstances of the case the public interest in maintaining the exception outweighs the public interest in disclosing the information.

The public interest in the information being disclosed

65. The Commissioner appreciates that the requests relate to matters that are of concern to both the complainant and the wider community. There is a very strong public interest in ensuring that such facilities comply with the requirements of the law, and with the requirements of the permits which allow it to operate.

66. EfW's are argued to be a clean form of waste disposal, and public authorities, including the council in this case, argue the merits of this form of waste treatment. There is a strong onus on authorities to be able to clarify what this actually means by disclosing facts and figures relating to the expectations and actual results of testing from such facilities when functioning at full volume. Not only does this provide information to the local community in question. It informs other communities worldwide as to what they may expect in reality from such facilities being situated near to their communities.

67. The disclosure of information may, therefore, allow the public to better understand how facilities such as this operate, how they are monitored, and have a better understanding of the emissions which result from these activities. They will also provide an overview of the levels of supervision and monitoring which public authorities carry out to ensure that legal and environmental requirements are met.

The public interest in the exception being maintained

68. The main public interest in the exception being maintained is to allow the council to carry out its functions and allocate its resources efficiently and effectively throughout the council. This would be detrimentally affected if it is required to respond to the complainant's numerous requests, including this one.

69. In deciding to refuse the request as vexatious, the Council explained that it took into account all factors in favour of complying with the request and refusing it.
70. The council said that it appreciates that there are public interest arguments in favour of disclosure of the information requested, such as promoting its transparency and accountability, greater public awareness and understanding of environmental matters. Nevertheless, it maintains that even where there is a value and purpose to the request which would meet with the wider public interest in the functioning and monitoring of the EfW, this is disproportionate in this case given the overall circumstances surrounding the request.
71. It considers that responding to this request, and the others which the complainant has made a complaint over, would create an unjustified level of disruption on it when considering the overall context and the information which has been disclosed to the complainant previously. It considers that this tips the balance in favour of the exception being maintained in this instance.

The Commissioner's conclusion on the public interest test

72. The Commissioner considers that, taking into account the background of the request, the council has already disclosed a substantial amount of information in respect of the issues raised, but has not been able to satisfy the complainant. She also accepts that in providing access to the facility, the council and MVV have sought to alleviate the concerns of the complainant as regards the emissions emanating from the facility.
73. The Commissioner accepts that there is a very strong public interest in matters which relate to the running of, and the emissions which result, from a facility such as EfW's. The wider public often has concerns over their use and the sites which are chosen for them. Her general position is that information which creates greater transparency over their running, and over how they are regulated, will generally carry a very strong public interest. In another request made by the complainant seeking specific details on the emission levels over certain dates, following advice from the Commissioner, the council agreed to disclose the information in spite of the complainant's many requests and the burden these have created.
74. Nevertheless, the Commissioner must also bear in mind that it is not in the public interest to allow one person to dictate the priorities and functions being carried out by a department, to the detriment of it being able to carry out the central function which it was actually set up to carry out.

75. With this in mind, the Commissioner finds that to provide the amount of information requested by the complainant, in light of what has been disclosed previously, would impose a significant burden on the council which would be disproportionate compared to the benefit that the general public would receive through the disclosure of the information.
76. Her view is therefore that the public interest in maintaining the exception outweighs that in the information being disclosed in this instance.

Regulation 12(2)

77. Regulation 12(2) of the EIR requires a public authority to apply a presumption in favour of disclosure when relying on any of the regulation 12 exceptions. As stated in the Upper Tribunal decision *Vesco v Information Commissioner (SGIA/44/2019)*, "*If application of the first two stages has not resulted in disclosure, a public authority should go on to consider the presumption in favour of disclosure...*" and "*the presumption serves two purposes: (1) to provide the default position in the event that the interests are equally balanced and (2) to inform any decision that may be taken under the regulations*" (paragraph 19).
78. As set out above, in this case the Commissioner's view is that the balance of the public interests favours the maintenance of the exception, rather than being equally balanced. This means that the Commissioner's decision, whilst informed by the presumption provided for in regulation 12(2), is that the exception provided by regulation 12(4)(b) was applied correctly.

Regulation 12(4)(a) - Information not held

79. Regulation 12(4)(a) provides that a public authority may refuse to disclose information to the extent that –
 - (a) it does not hold that information when an applicant's request is received;
80. The council argues that some of the information which the complainant has requested is not held by it, or by MVV. It specified that it does not hold the following information. The council's response as regards each request is detailed below the request specified.

From 14 January 2020

2. The list of your HSE Air Pollution Public incident procedures and Response times.

81. The council argues that it has responded to this request from the complainant twice previously. It confirmed to the Commissioner that MVV do not report air pollution to the Health and Safety Executive and so do not have a procedure for this. Consequently, it also holds no response times.

**3. Your Registered Portable MCERTS approved Equipment for taking offsite readings on such occasions. The actual readings that were relayed back to the regulator*

82. It confirmed that it has twice responded to this request. It also confirmed to the Commissioner that MVV does not have Portable MCERTS equipment and therefore there are no readings from such equipment to relay to the regulator. It concluded that no information is held.

From 20 November 2020

Registered UKAS and Environment Agency Audit involvement.

83. The council clarified that MVV are not registered with UKAS. It said that the Environment Agency carries out operating monitoring assessments on all installations they regulate under the Environmental Permitting (England and Wales) Regulations 2016.

The Commissioner's analysis

84. In scenarios such as this one, where there is some dispute between the public authority and the complainant about the amount of information that may be held, the Commissioner, following the lead of a number of First Tier Tribunal decisions, applies the civil standard of the balance of probabilities.
85. For clarity, the Commissioner is not expected to prove categorically whether the information is held, she is only required to make a judgement on whether the information is held on the civil standard of the balance of probabilities.
86. In deciding where the balance of probabilities lies, the Commissioner will consider the complainant's evidence and arguments. She will also consider the searches carried out by the public authority, in terms of the extent of the searches, the quality of the searches, their thoroughness and the results the searches yielded.

87. She will also consider any other information or explanation offered by the public authority (and/or the complainant) which is relevant to her determination.
88. During the course of her investigation, the Commissioner asked the council to describe the searches it carried out for information falling within the scope of the request, and the search terms used. She also asked other questions, as is her usual practice, relating to how it established whether or not it held further information within the scope of the request.
89. Although the council has not responded to all of the questions asked of it by the Commissioner in regard to the searches which were carried out, the Commissioner recognises that the explanation provided by the council in this case is sufficient for her to reach her decision on a balance of probabilities.
90. The council has provided clear responses to the Commissioner, and to the complainant on numerous occasions, indicating why the information he has requested is not held.
91. In the specific circumstances of this case there is little point in the Commissioner asking the council to carry out additional searches for information where it has already explained why that information is not held and would not be recorded. She does not consider it is appropriate to require searches for information which both the council and MVV have clarified they have never recorded, and would have no reason to record.
92. The Commissioner has not therefore found it necessary to ask the council to respond further regarding any searches which it carried out. Under the circumstances, the explanations provided by the council are appropriate for the Commissioner to decide, on a balance of probabilities, that no further information is held.
93. The Commissioner's decision is that the council has therefore complied with the requirements of Regulation 12(4)(a).

Right of appeal

94. 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: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

95. 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.

96. 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

Ian Walley
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