

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 7 July 2022

**Public Authority:** Historic England  
**Address:** The Engine House  
Room 2/02  
Swindon  
SN2 2EH

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

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1. The complainant requested information relating to the award of a grant to the Institute of Detectorists (IoD).
2. Historic England (HE) provided information within the scope of the request but refused to provide the remainder, citing sections 40 (personal information), 43 (commercial interests), 41 (information provided in confidence) and 38 (health and safety) of FOIA. It also confirmed it did not hold any further information within the scope of the request.
3. The Commissioner's decision is that, on a balance of probabilities, HE does not hold any further information falling within the scope of the complainant's request for information.
4. Having investigated its application of sections 40(2), 43(2) and 38(1)(b) to the small amount of withheld information, the Commissioner finds that section 40(2) was correctly applied. However, he finds that HE has not demonstrated that either section 43(2) or section 38(1)(b) are engaged in respect of the information withheld only by virtue of those exemptions.
5. The Commissioner requires HE to take the following step to ensure compliance with the legislation:
  - disclose the information withheld only by virtue of section 43(2) or 38(1)(b) (with the information that engages section 40(2) redacted).

6. HE must take this step 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 FOIA and may be dealt with as a contempt of court.

## Request and response

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7. On 2 December 2020 the complainant wrote to HE and requested information in the following terms:

"Historic England announced the award of a £50,000 grant to the Institute of Detectorists in the article below:

[https://historicengland.org.uk/whats-new/news/grant-to-support-metaldetectorists/?utm\\_medium=social&utm\\_source=twitter.com&utm\\_campaign=news](https://historicengland.org.uk/whats-new/news/grant-to-support-metaldetectorists/?utm_medium=social&utm_source=twitter.com&utm_campaign=news)

[https://historicengland.org.uk/whats-new/news/grant-to-support-metal-detectorists/?utm\\_medium=social&utm\\_source=twitter.com&utm\\_campaign=news](https://historicengland.org.uk/whats-new/news/grant-to-support-metal-detectorists/?utm_medium=social&utm_source=twitter.com&utm_campaign=news)

Please could you provide me with all the information that you have in relation [sic] to this grant, including but not limited to:

- the grant application submission, with any supporting documents, made by the applicant
  - the procedures Historic England has for considering and awarding a grant
  - any emails relating to the consideration or awarding of the grant
  - any minutes of any meetings where the award of this grant was considered
  - any correspondence between Historic England and the applicant either during consideration of the grant or on award of the grant".
8. HE responded on 19 January 2021. It provided some information within the scope of the request but refused to provide the remainder. It cited the following exemptions of FOIA as its basis for doing so:
    - section 40 (personal information)
    - section 41 (information provided in confidence)
    - section 43 (commercial interests)

9. Following an internal review, HE wrote to the complainant on 4 March 2021, maintaining its original position.

### **Scope of the case**

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10. The complainant contacted the Commissioner on 7 April 2021 to complain about the way his request for information had been handled. Specifically, he told the Commissioner his complaint relates to the following aspects of HE's handling of his request:
1. The handling and timescales in dealing with his FOI request
  2. The incomplete supply of the requested information
  3. The redaction of the information supplied.
11. With respect to (1), he acknowledged that HE had supplied him with a considerable number of documents and recognised the complexity involved in considering various exemptions and making redactions. Accordingly, he told the Commissioner that the delay with regard to HE providing its initial response "is not of great concern". He was, however, dissatisfied with the timeliness and quality of the internal review. He was dissatisfied that the internal review did not address his concern that information appeared to be missing from the information that was supplied.
12. With respect to (2), he considered that HE had failed to explain why various documents had been omitted from its original response. He described that information as falling into three categories, namely:
- attachments to emails;
  - documents that were referred to in emails;
  - documents that he would expect HE to produce internally.
13. With respect to (3), he disputed the application of sections 40, 41 and 43(2) to parts of the information that was supplied.
14. The Commissioner wrote to both parties, setting out the scope of his investigation. While acknowledging the complainant's concerns about the internal review process, the Commissioner explained to him that such matters are not a formal requirement of FOIA. Rather, they are matters of good practice which are addressed in the code of practice issued under section 45 of FOIA.
15. Accordingly, he told the complainant that his investigation would consider whether HE holds further information within the scope of the

request and whether it was entitled to apply exemptions to the requested information.

16. During the course of the Commissioner's investigation, HE confirmed that it did not hold further information with the scope of the request. It also confirmed its application of sections 40(2), 41 and 43(2) to the information it had withheld. It additionally cited section 38(1)(b) (health and safety) to the information withheld by virtue of section 40(2) and to some of the information withheld by virtue of section 43(2).
17. In its submission, it confirmed that the majority of redactions are for personal data.
18. The analysis below considers HE's application of exemptions to the withheld information. However, in light of the complainant's concerns about missing documents, the Commissioner first considered whether HE held further information within the scope of the request.

## **Reasons for decision**

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### **Section 1 general right of access**

19. Section 1 of FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him".

20. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the ICO, following the lead of a number of First-tier Tribunal (Information Rights) decisions, applies the civil standard of the balance of probabilities.
21. In other words, in order to determine such complaints, the ICO must decide whether, on the balance of probabilities, a public authority holds any - or additional - information which falls within the scope of the request (or was held at the time of the request).
22. The Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the public authority to check whether the information is 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 is held, he is only required to make a judgement on whether the information is held on the civil standard of proof of the balance of probabilities.

23. Nor is it within his remit to decide whether the public authority should hold the information.

### **The complainant's view**

24. The complainant disputed the amount of information provided in response to his request for information.
25. When requesting a review, the complainant provided HE with a list of documents he considered had been omitted from its original response. The documents that appeared to be missing included internal procedures for HE staff considering a grant application, a completed control document and formal internal sign-off.
26. The complainant also told HE that, having been through the information that was provided, he was missing a few attachments to emails and documents referred to in emails.

### **HE's view**

27. As is his practice, the Commissioner asked HE to explain what searches had been carried out to check no further information was held within the scope of the request and why these searches would have been likely to retrieve any relevant information.
28. In response, HE told the Commissioner:
- "Retrieving the information for this case was straight forward as the Grants Team has a case file system. They also checked their emails for all correspondence".
29. It explained that the relevant information is stored in a methodical fashion, described the inbox searches that were run and confirmed that information was retrieved from the relevant shared file. HE confirmed that all staff involved were contacted. It also told the Commissioner that, having checked, no attachments to emails were missing from the released information.

### **The Commissioner's conclusion**

30. The Commissioner's role is not to consider whether a public authority should hold information that has been requested but whether, on the balance of probabilities, it does or does not hold it.

31. When, as in this case, the Commissioner receives a complaint that a public authority has not disclosed some or all of the information that a complainant believes it must hold, it is seldom possible to prove with absolute certainty that it holds no relevant information. However, as set out in the paragraphs above, the Commissioner is required to make a finding on the balance of probabilities.
32. While the complainant may believe that additional information should be held, the Commissioner has found no evidence which would indicate that any further information is held that is relevant to the request.
33. As a result, the Commissioner has decided that, on the balance of probabilities, there is no additional recorded information held by HE that is relevant to the complainant's request.
34. The Commissioner has next considered HE's application of exemptions to the information it confirmed it does hold.

#### **Section 40 personal information**

35. Section 40(2) of FOIA provides that information is exempt from disclosure if it is the personal data of an individual other than the requester and where one of the conditions listed in section 40(3A)(3B) or 40(4A) is satisfied.
36. In this case the relevant condition is contained in section 40(3A)(a)<sup>1</sup>. This applies where the disclosure of the information to any member of the public would contravene any of the principles relating to the processing of personal data ('the DP principles'), as set out in Article 5 of the UK General Data Protection Regulation ('UK GDPR').
37. The first step for the Commissioner is to determine whether the withheld information constitutes personal data as defined by the Data Protection Act 2018 ('DPA'). If it is not personal data then section 40 of FOIA cannot apply.
38. Secondly, and only if the Commissioner is satisfied that the requested information is personal data, he must establish whether disclosure of that data would breach any of the DP principles.

#### **Is the information personal data?**

39. Section 3(2) of the DPA defines personal data as:
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<sup>1</sup> As amended by Schedule 19 Paragraph 58(3) DPA.

“any information relating to an identified or identifiable living individual”.

40. The two main elements of personal data are that the information must relate to a living person and that the person must be identifiable.
41. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.
42. Information will relate to a person if it is about them, linked to them, has biographical significance for them, is used to inform decisions affecting them or has them as its main focus.
43. In correspondence with the complainant, HE described the information withheld by virtue of section 40(2) as third party personal data and the personal data of HE employees. For the purposes of this DN, the Commissioner will refer to that information as ‘third party data’ and ‘HE employee data’.
44. In the circumstances of this case, having considered the withheld information, which includes names, contact details and views ascribed to named individuals, the Commissioner is satisfied that the information relates to identifiable individuals. He is satisfied that this information both relates to and identifies the individuals concerned. This information therefore falls within the definition of ‘personal data’ in section 3(2) of the DPA.
45. The fact that information constitutes the personal data of an identifiable living individual does not automatically exclude it from disclosure under FOIA. The second element of the test is to determine whether disclosure would contravene any of the DP principles.
46. The most relevant DP principle in this case is principle (a).

**Would disclosure contravene principle (a)?**

47. Article 5(1)(a) of the GDPR states that:

“Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject”.

48. In the case of an FOIA request, the personal data is processed when it is disclosed in response to the request. This means that the information can only be disclosed if to do so would be lawful, fair and transparent.

49. In order to be lawful, one of the lawful bases listed in Article 6(1) of the GDPR must apply to the processing. It must also be generally lawful.
50. Article 6(1) of the GDPR specifies the requirements for lawful processing by providing that "processing shall be lawful only if and to the extent that at least one of the" lawful bases for processing listed in the Article applies.
51. The Commissioner considers that the lawful basis most applicable is basis 6(1)(f) which states:

"processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child"<sup>2</sup>.

52. In considering the application of Article 6(1)(f) of the GDPR in the context of a request for information under FOIA, it is necessary to consider the following three-part test:-
  - (i) **Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information;
  - (ii) **Necessity test:** Whether disclosure of the information is necessary to meet the legitimate interest in question;
  - (iii) **Balancing test:** Whether the above interests override the legitimate interest(s) or fundamental rights and freedoms of the data subject.

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<sup>2</sup> Article 6(1) goes on to state that:-

*"Point (f) of the first subparagraph shall not apply to processing carried out by public authorities in the performance of their tasks".*

However, section 40(8) FOIA (as amended by Schedule 19 Paragraph 58(8) DPA and by Schedule 3, Part 2, paragraph 20 the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019) provides that:-

*"In determining for the purposes of this section whether the lawfulness principle in Article 5(1)(a) of the UK GDPR would be contravened by the disclosure of information, Article 6(1) of the UK GDPR (lawfulness) is to be read as if the second sub-paragraph (dis-applying the legitimate interests gateway in relation to public authorities) were omitted".*



53. The Commissioner considers that the test of 'necessity' under stage (ii) must be met before the balancing test under stage (iii) is applied.

### **Legitimate interests**

54. In considering any legitimate interest(s) in the disclosure of the requested information under FOIA, the Commissioner recognises that a wide range of interests may be legitimate interests. They can be the requester's own interests or the interests of third parties, and commercial interests as well as wider societal benefits. These interest(s) can include broad general principles of accountability and transparency for their own sakes, as well as case-specific interests. However, if the requester is pursuing a purely private concern unrelated to any broader public interest, unrestricted disclosure to the general public is unlikely to be proportionate. They may be compelling or trivial, but trivial interests may be more easily overridden in the balancing test.
55. The complainant disputed HE's decision to redact staff names "and in particular the names of senior decision-making personnel".
56. The Commissioner acknowledges that the complainant considers that there is a legitimate interest in disclosure of the names of HE staff. He considers that the issuing of public money, by way of grants, is a matter of public interest.
57. The complainant also argued, albeit in relation to section 41, that the other third parties concerned are sophisticated users of information and would have been aware that HE could be subject to an FOI request.
58. The Commissioner accepts that there is a legitimate interest in the public having confidence in the accountability and transparency of public authorities.

### **Is disclosure necessary?**

59. 'Necessary' means more than desirable but less than indispensable or absolute necessity. Accordingly, the test is one of reasonable necessity and involves consideration of alternative measures which may make disclosure of the requested information unnecessary. Disclosure under FOIA must therefore be the least intrusive means of achieving the legitimate aim in question.
60. The Commissioner accepts that the content of the documentation has been disclosed. However, he is prepared to accept that disclosure of the withheld names is necessary to meet the interests identified above, namely accountability and transparency.

### **Balance between legitimate interests and the data subject's interests or fundamental rights and freedoms**

61. It is necessary to balance the legitimate interests in disclosure against the data subject's interests or fundamental rights and freedoms. In doing so, it is necessary to consider the impact of disclosure. For example, if the data subject would not reasonably expect that the information would be disclosed to the public under FOIA in response to the request, or if such disclosure would cause unjustified harm, their interests or rights are likely to override legitimate interests in disclosure.
62. In considering this balancing test, the Commissioner has taken into account the following factors:
  - the potential harm or distress that disclosure may cause;
  - whether the information is already in the public domain;
  - whether the information is already known to some individuals;
  - whether the individual expressed concern to the disclosure; and
  - the reasonable expectations of the individual.
63. In the Commissioner's view, a key issue is whether the individuals concerned have a reasonable expectation that their information will not be disclosed. These expectations can be shaped by factors such as an individual's general expectation of privacy, whether the information relates to an employee in their professional role or to them as individuals, and the purpose for which they provided their personal data.
64. It is also important to consider whether disclosure would be likely to result in unwarranted damage or distress to that individual.
65. In correspondence with the complainant, HE told him:

"Whilst the ICO guidance provides that the seniority of personnel should be a factor to be considered when considering disclosure, they also state that that is relative and to be considered on a case by case basis. I do not consider that the public interest test in outweighing the exemption applies here and the individuals concerned are entitled to retain their privacy".
66. In its submission to the Commissioner, HE explained that none of the HE employees involved hold a public facing position. It therefore argued that there is less of an expectation for their names to be made public.
67. While acknowledging the public interest in knowing the names of staff responsible for processing grants, HE told the Commissioner that the decision to award a grant was taken on a corporate level. It therefore argued that singling out individuals would serve no useful purpose.

68. During the course of the Commissioner's investigation, HE told him that disclosure of the requested information is likely to cause distress to individuals who are identified, explaining that establishing an Institute for Detectorists has been contentious. It added that, between the time of the request and internal review, matters had become more contentious.
69. The Commissioner considers that the following arguments put forward by HE, albeit in support of it application of section 38 of FOIA, are relevant to his consideration of section 40:

"We also have a duty to provide a heritage service and if the grants team are fearful of performing their duties out of concern their details may be released into the public domain when considering contentious matters, it would cause undue stress and hamper their ability to carry out their roles and provide an effective public service".
70. In reaching a decision regarding HE's application of section 40(2) to the withheld HE employee data in this case, the Commissioner recognises that disclosure under FOIA is disclosure to the world at large. He has also taken into account the background to the request and the nature of the information within the scope of the request. He is mindful of HE's view that it has a duty to protect its staff and its use of the term 'backlash' when describing the strength of feeling in the metal detecting community about the awarding of the grant.
71. The Commissioner appreciates that the individuals involved would have no expectation that their personal data would be disclosed under FOIA.
72. Mindful of the argument that establishing an Institute of Detectorists has been contentious, in the context of the request he considers that disclosure of the withheld HE employee data would be likely to result in unwarranted damage or distress to the individuals concerned.
73. Turning next to the remaining information withheld by virtue of section 40(2), the third party data, the Commissioner acknowledges that HE explained that placing this data into the public domain would likely cause distress. For example, it told the Commissioner that where the information within the scope of the request was not supplied directly by the third parties to HE, they would have little expectation that such information would be made public. Furthermore, HE explained that, as it did not consider that the third parties could be described as public facing, there is little expectation that their information would be disclosed.
74. As above, the Commissioner notes the arguments put forward by HE, albeit in support of it application of section 38 of FOIA, in relation to the withheld third party data. Those arguments relate to the impact of

disclosure on the third parties, namely undue distress and potentially placing them at risk of threatening behaviour and violence.

75. The Commissioner considers those arguments relevant to his consideration of section 40 when balancing the legitimate interests in disclosure against the data subject's interests or fundamental rights and freedoms.
76. HE also confirmed that the third parties had not consented to their personal information being disclosed.
77. In the context of the request, the Commissioner considers that disclosure of the withheld third party data would be likely to result in unwarranted damage or distress to the individuals concerned.
78. Based on all the above factors, the Commissioner has determined that there is insufficient legitimate interest to outweigh the data subjects' fundamental rights and freedoms. The Commissioner therefore considers that there is no Article 6 basis for processing and so the disclosure of the personal information would not be lawful.
79. Given the above conclusion that disclosure would be unlawful, the Commissioner considers that he does not need to go on to separately consider whether disclosure would be fair or transparent.

### **The Commissioner's view**

80. The Commissioner has therefore decided that HE was entitled to withhold the information – the HE employee data and the third party data - under section 40(2), by way of section 40(3A)(a).
81. In light of that decision he has not considered HE's application of section 38 or 41 to the same information.
82. The Commissioner has next considered HE's application of section 43 to the information withheld by virtue of that exemption.

### **Section 43 commercial interests**

83. Section 43(2) of FOIA states that information is exempt if its disclosure would, or would be likely to, prejudice the commercial interests of any person, including the public authority holding it.
84. Information may be commercially sensitive, but it does not necessarily follow that it is exempt from disclosure under section 43(2). A public authority must be able to show how and why its disclosure has the potential to prejudice someone's commercial interests. The prejudice can be to the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity).

85. In correspondence with HE, the complainant argued that most, if not all of the information withheld by virtue of section 43, relates to the Association of Detectorists (AoD) CIC [Community Interest Company]. He argued that as the AoD is a not for profit organisation, it does not have commercial interests.
86. The Commissioner, in his guidance<sup>3</sup>, states:
- "A commercial interest relates to a legal person's ability to participate competitively in a commercial activity. The underlying aim will usually be to make a profit. However, it could also be to cover costs or to simply remain solvent".
87. He is therefore satisfied that section 43 is relevant in this case.
88. For the exemption to be engaged the Commissioner considers that each of the following three criteria must be met:
- the actual harm that the public authority alleges would, or would be likely to, occur if the withheld information was disclosed must relate to commercial interests.
  - the public authority must be able to demonstrate that some causal relationship exists between the potential disclosure of the information being withheld and the prejudice which the exemption is designed to protect. Any prejudice that results must also be real, actual or of substance.
  - the level of likelihood of prejudice being relied upon by the public authority must be met (ie it must be shown that disclosure would, or would be likely to, result in prejudice occurring).
89. In its submission to the Commissioner, HE provided details of the third party involved and explained why, in the context of the awarding of the grant, it considered that the withheld information relates to their commercial interests. The Commissioner is satisfied that the first criterion is met.
90. He has next considered the section criterion.

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<sup>3</sup> <https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/section-43-commercial-interests/>

91. When a public authority is claiming that disclosure of requested information would or would be likely to prejudice the commercial interests of a third party the Commissioner follows the findings of the Information Tribunal decision in the case *Derry Council v Information Commissioner* [EA/2006/0014].
92. This confirmed that it is not appropriate to take into account speculative arguments which are advanced by public authorities about how prejudice may occur to third parties. Instead, the Commissioner expects that arguments advanced by a public authority should be based on its prior knowledge of the third party's concerns. The Commissioner explained this position to HE and asked for evidence that any third party had been consulted about disclosure of the information requested in this case.
93. In support of its application of section 43 in this case, HE told the Commissioner that release of financial information would affect the third party's ability to negotiate the best price. It also told him that a final version of one of the documents withheld by virtue of section 43 has been published. It therefore argued that "making this earlier, unfinalized version public would cause unnecessary confusion".
94. In his guidance on section 43, the Commissioner states:

"Furthermore, if you propose to withhold information because the disclosure would, or would be likely to, prejudice a third party's commercial interests, you must have evidence that this accurately reflects the third party's concerns. It is not sufficient for you to simply speculate about the prejudice which might be caused to the third party's commercial interests. You need to consult them for their exact views in all but the most exceptional circumstances".
95. Having considered HE's response to him, the Commissioner does not consider that HE has provided credible evidence that its arguments in support of the application of section 43 are a genuine reflection of the concerns of the third party. Instead, HE appears to have relied on its own view of the likely commercial impact of disclosure on the third party.
96. Ultimately, it is up to HE to satisfy the Commissioner that disclosure of the requested information would, or would be likely to, prejudice the commercial interests of any legal party. In order to establish a causal link the Commissioner must be satisfied that the prejudice claimed is at least possible. In light of the limited representations submitted and the fact that HE has failed to demonstrate that the prejudice it envisages to the third party is based on prior knowledge or any consultation, or that exceptional circumstances apply, the Commissioner has no alternative

but to find that it has failed to demonstrate that the section 43 exemption is engaged in this case.

### **The Commissioner's decision**

97. For this reason, the Commissioner finds that the second criterion necessary to engage section 43 is not met. That being the case, the Commissioner is not required to consider the remaining criterion. He concludes that HE has not demonstrated that section 43 is engaged in respect of the information withheld by virtue of that exemption.
98. As the exemption is not engaged, it has not been necessary to consider the public interest test.
99. HE also considers section 38(1)(b) applies to some of the information withheld by virtue of section 43, namely the IOD Funding Plan. The Commissioner has next considered HE's application of section 38(1)(b) to that information.

### **Section 38 health and safety**

100. Section 38 of FOIA provides an exemption from disclosing information if it would endanger any individual (including the applicant, the supplier of the information or anyone else).
101. Section 38(1)(b), the limb relied on by HE in this case, focuses on endangerment to the safety of any individual.
102. In this case, HE told the Commissioner "it is highly likely" that if the withheld IOD funding plan was released into the public domain, it would be used to spread misinformation and "fuel the campaign". It argued that disclosure of the information "would cause a great deal of distress to all involved".
103. The Commissioner's published guidance on section 38<sup>4</sup> states:

"In order to engage this exemption you must demonstrate that there is a causal link between the endangerment and disclosure of the information.

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<sup>4</sup> <https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/section-38-health-and-safety/>

You must also show that disclosure would or would be likely to endanger the safety of any individual. The effect cannot be trivial or insignificant.

Endangering safety is usually connected to the risk of accident and the protection of individuals”.

104. While the Commissioner acknowledges that HE believes that disclosure may cause a great deal of distress, he is not satisfied that sufficient arguments have been advanced by HE to engage section 38 of FOIA.
105. The Commissioner’s decision is therefore that HE has not shown that section 38(1)(b) of FOIA is engaged in this case and that it was not entitled to rely on it to withhold the requested information.
106. As the exemption is not engaged, it has not been necessary to consider the public interest test.



## Right of appeal

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

108. 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.

109. 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 .....**

**Laura Tomkinson  
Group Manager  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
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SK9 5AF**