

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 26 June 2013

Public Authority: Department of Energy and Climate Change
Address: 3 Whitehall Place
London
SW1A 2AW

Decision (including any steps ordered)

1. The complainant requested information relating to proposals for an expansion of Lydd Airport and its relationship to the Dungeness Nuclear Power Station. The Department of Energy and Climate Change ('DECC') initially refused the request under the FOIA. After reviewing the details of the case and the content of the withheld information the Commissioner advised that the withheld information falls within the scope of the EIRs. DECC continued to refute this, however the Commissioner maintains that the withheld information constitutes environmental information, and has assessed this case under the EIRs. DECC refused to disclose the requested information and cited the exception provided by regulation 12(4)(e) (internal communications) and 12(4)(d) (material still in the course of completion).
2. The Commissioner's decision is as follows:
 - Regulation 12(4)(d) is not engaged
 - Regulation 12(4)(e) is engaged for some of the withheld information, but the public interest in disclosure of the information outweighs the public interest in maintaining the exception.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - To redact the personal data of the requester from the withheld information.
 - To disclose the information withheld under regulations 12(4)(d) and 12(4)(e).

4. The public authority 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

5. On 8 August 2012, the complainant wrote to DECC and requested information in the following terms:

"Could you please provide me with the following information:

1) Any internal communications within DECC (letters, emails, reports., meeting minutes, briefs, notes etc) since November 1st, 2011 on the subject of

a) [name redacted] and [name redacted] proposal for a minimum separation policy (minimum distance between an airport and a nuclear site)

b) Aircraft crash rates and crash risk in relation to Dungeness A, Dungeness B or proposed Dungeness C

c) The current status and proposed expansion of Lydd Airport, in particular its relationship with Dungeness A, B or C.

d) Dr Roberto Trotta's report on the uncertainties associated with the Byrne model and its application to the case of Lydd Airport.

e) Any other evidence submitted to the Lydd Airport planning process.

2) Any communications between DECC and third parties since November 1st 2011 on the same list of subjects (a to e) including, but not limited to, emails, letters, memos. reports, briefings, notes and other forms of communication to and from: Mike Weightman, the ONR, Charles Hendry, Eric Pickles, Justine Greening, any other member of parliament (House of Commons or Lords), DCLG, CAA, any other government department, Lydd Airport or its owners, planning advisors or representatives."

6. DECC initially responded to the request on 6 September 2012 under the FOIA. DECC provided some information falling within the scope of the request but refused to provide the remainder, citing the following exemptions of the FOIA:

- Section 21 (information available to requester by other means). DECC told the complainant which information it considers to be

reasonably accessible to the complainant. The complainant has not contested this part of DECC's response.

- Section 40(2) (third party personal data). The complainant has not contested this part of DECC's response.
 - Section 35(1) (formulation of government policy, etc). DECC specified this information relates to the formulation or development of government policy, or relates to the operation of a Ministerial private office, and falls within section 35(1)(a) and 35(1)(d). DECC said that it needed more time to consider the public interest test for this information.
7. On 10 October 2012 DECC responded with the outcome of its public interest test. It released some more information falling within the scope of the request but said that for the remainder, the public interest in withholding the information outweighed that in disclosure.
 8. DECC confirmed that it had considered the public interest in reliance on section 35(1)(a) (information relating to the formulation and development of government policy) and section 35(1)(d) (the operation of any Ministerial private office). DECC also said that it considered some of that information was exempt by way of section 36 (prejudice to effective conduct of public affairs) and that it had also considered the public interest test for this. DECC maintained that for all the exemptions cited the public interest fell in favour of withholding the information.
 9. On 28 November 2012 the complainant requested an internal review. The complainant was of the view that the request should have been considered under the EIR and not the FOIA, and furthermore that the public interest in disclosure of the information outweighs that in withholding it.
 10. Following an internal review, DECC wrote to the complainant on 24 January 2013. It said that it was right to process the request under the FOIA as it did not consider the requested information to constitute environmental information.
 11. However, DECC added that, if the information were to constitute environmental information, then it would be caught by regulation 12(4)(e) (internal communications) EIR. DECC said that the public interest test arguments would be the same as those it had explained in respect of sections 35 and 36 FOIA.

Scope of the case

12. The complainant contacted the Commissioner on 20 November 2012 to complain about the way her request for information had been handled.

The complainant confirmed that she was not contesting DECC's refusal to provide information that is readily accessible to her by other means, or DECC's redaction of third party personal data. The Commissioner therefore considers that it is not necessary to assess this part of DECC's response.

13. The complainant specified that there are two parts to her complaint: that DECC was wrong to process the request under the FOIA and should have processed it under the EIR; and that DECC was wrong to withhold the requested information as the public interest fell in favour of disclosing the requested information, whether under the FOIA or the EIR.
14. The Commissioner considers that the scope of his investigation should be to firstly assess whether or not the information falling within the scope of the request constitutes environmental information.
15. The Commissioner considers that once it is established whether the request falls under the EIR or the FOIA, the next part of his assessment will be to assess whether or not the withheld information is caught by the relevant exemptions of the FOIA or exceptions of the EIR. The final step would be to then consider whether the public interest falls in favour of disclosing or withholding the information which is caught by these exemptions or exceptions.

Reasons for decision

16. The Commissioner reviewed the withheld information and has considered whether or not it constitutes environmental information.
17. Regulation 2 of the EIRs defines what environmental information is. The Commissioner has therefore considered whether the information falling within the scope of the request is environmental in accordance with this definition. The definition of environmental information at regulation 2(1) is:

"any information in written, visual, aural, electronic or any other material form on –

(a) the state of the environment, such as air and atmosphere, water, soil, land and landscape and natural sites including wetlands...

(b) factors, such as substances, energy, noise, radiation or waste, emissions...affecting or likely to affect the elements of the environment referred to in (a);

(c) measures (including administrative measures), such as policies, legislation, plans, programmes...and activities affecting or likely to affect

the elements and factors referred to in (a) and (b) as well as measures designed to protect those elements”.

18. In making his decision, the Commissioner emphasizes his approach that for 2(1)(b) to (f), it is not necessary for the information itself to have a direct effect on the elements of the environment, or to record or discuss such an effect.
19. The Commissioner recognises that the withheld information is not a measure, or discussion about a measure, which is going to affect the elements. However, it is the Commissioner's view that it is not necessary for the information itself to have a direct effect on the environment, or to record or reflect such an effect, in order for it to be environmental. In addition, information may still be “on” a factor or measure which affects or is likely to affect the elements of the environment, even where the effect has not occurred in the specific case. Information about the absence of a factor affecting the environment is still information “on” that factor. What is relevant instead is that the information should be on something falling within these sections.
20. In order to establish this connection consideration must be given to the meaning of “**any information ...on**” in the context of regulation 2.
21. The withheld information in this case is discussions about a proposal, and the proposal's potential to influence and curtail the expansion of Lydd Airport. The withheld information contains discussion about a proposal which could potentially affect the plans to expand Lydd Airport. The proposal itself is discussed, and whether the proposal could possibly affect the plans to expand the airport is discussed.
22. The Commissioner notes that in its letter to him, DECC itself said that the withheld information “*...relates to the consideration of a minimum separation (i.e. a minimum distance between nuclear power stations and airports) of which the complainant's proposals for a minimum separation policy forms one element.*” It is the Commissioner's view that this statement strengthens the complainant's argument that the request should be considered under the EIRs.
23. It is therefore the Commissioner's view that the withheld information contains information about measures which could affect the state of the land and thereby constitutes environmental information, by way of Regulation 2(1)(c). That is, that the withheld information contains discussion about the possibility of a specific measure affecting the state of the land, thus the withheld information falls under Regulation 2(1)(c) and relates back to Regulation 2(1)(a).

24. DECC contested the Commissioner's decision to process the information under the EIRs. In its response to the Commissioner dated 24 May 2013 DECC argued that the requested information does not constitute environmental information. DECC contested the ICO's instruction that the reference to "on" at the beginning of the definition of 'environmental information' in the EIRs means that information relating or connected to the complainant's proposal is caught by the EIRs. DECC argued that, to the extent that there might be a measure or programme at issue here, the information is only environmental information where these measures affect or are likely to affect the factors listed in limb (a) and (b) of the definition. DECC stated that its view is that there is nothing in the information such that there would be an effect on the factors listed in limbs (a) and (b) of the definition of environmental information to bring the information in question within its scope.
25. However, the Commissioner considers because the withheld information contains discussions which specifically address the possibility of that proposal affecting the plans to expand Lydd Airport, this entails that the withheld information is on measures which could affect the state of the land. The Commissioner here reiterates his points laid out above; that it is not necessary for the withheld information to be on a measure which *actually* affects the state of the land to be environmental information. That is, it can be a measure which could potentially affect the state of the land.
26. Furthermore, the Commissioner's more general approach will be to interpret "any information... on..." fairly widely. The relevant Oxford English Dictionary definition of "on" is "*In reference to, with respect to, as to, concerning, about*". The ICO view, in line with the purpose expressed in the first recital of the Directive, is that "any information ...on..." will usually include information concerning, about or relating to the measure, activity, factor etc in question. In other words information that would inform the public about the matter under consideration and would therefore facilitate effective participation by the public in environmental decision making is likely to be environmental information.
27. The Commissioner notes that in this case the withheld information relates directly to public participation in decisions which affect the environment. The Commissioner considers that this adds weight to the withheld information being considered under the EIRs, especially considering the rooting of the EIRs in the Aarhus Convention.
28. Furthermore, DECC argued that even if some of the information could be processed under the EIRs, not all of it should be. However, it is the Commissioner's view that the all of the withheld information contains discussions about the proposal or about the potential effect of the proposal. For the reasons outlined above, it is the Commissioner's view that all of the withheld information falls under the scope of the EIRs.

29. Although DECC maintained its position that the withheld information falls under the FOIA, it also specified which Regulations of the EIR the withheld information would be caught by, if the Commissioner decided that it falls under the EIR. DECC further explained which of its public interest arguments should be considered if this were the case. The Commissioner has therefore assessed the case on the basis of the original arguments supplied by DECC in relation to its refusal of the request under the FOIA.
30. The Commissioner has therefore considered DECC's arguments about the public interest in withholding the information, but in relation to the relevant exceptions of the EIR rather than exemptions of the FOIA.
31. DECC argued that all of the withheld information is exempt by way of Regulation 12(4)(d), and that some of that information is also exempt by way of Regulation 12(4)(e).

Regulation 12(4)(d) – information in the course of completion, unfinished documents and incomplete data

32. Regulation 12(4)(d) states that a public authority may refuse to disclose information to the extent that the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data.
33. DECC applied Regulation 12(4)(d) to some of the withheld information to which it had also applied Regulation 12(4)(e).
34. DECC said that some of the email correspondence concerning comments on the complainant's minimum separation policy constitutes part of material which is still in the course of completion. DECC said that the work that ONR is carrying out into aircraft risk and nuclear power stations is an important input into the policy process. DECC considers that the department will be formulating policy in this area and that some of the email correspondence constitutes information which will in turn input into the policy process.
35. The complainant drew the Commissioner's attention to the fact that DECC said that the withheld information "*...relates to process and handling.*" The complainant argued that DECC's position is not consistent, since DECC suggests that the withheld communications are routine and would not impact on any policy decisions. The Commissioner notes that this has been a large part of DECC's argument.
36. The complainant said that DECC has made it clear to her that at the current time, the government does not intend to implement the complainant's proposal. From the content of the withheld information the Commissioner considers that this is so. The complainant argued that

DECC cannot seek to withhold information on a policy which is neither being formulated nor developed.

37. The Commissioner considers that the withheld information is clearly not unfinished documents or incomplete data itself. The Commissioner has considered whether the withheld information relates to information in the course of completion. The Commissioner accepts DECC's statement that the email correspondence include comments on the complainant's minimum separation policy. However, the Commissioner does not accept that that proposal is information in the course of completion or that it will impact upon information which is still in the course of completion. The Commissioner does not accept DECC's argument that some of the email correspondence constitutes information which will in turn input into the policy process.
38. The Commissioner therefore considers that DECC has wrongly applied Regulation 12(4)(d) and that the withheld information is not exempt from disclosure by way of this exception.
39. The Commissioner notes that all of the information which DECC claimed this exception applied, DECC also claimed that Regulation 12(4)(e) applied. The Commissioner must therefore consider whether or not Regulation 12(4)(e) has been correctly applied or not before he can decide whether the information in scope should be withheld or disclosed.

Regulation 12(4)(e) – Internal communications

40. Regulation 12(4)(e) provides that a public authority may refuse a request for environmental information if the request involves the disclosure of internal communications. Consideration of this exception is a two-stage process; first it must be considered whether the request would involve the disclosure of internal communications. Secondly, this exception is qualified by the public interest. This means that the information must be disclosed if the public interest in maintaining the exception does not outweigh the public interest in disclosure.
41. Regulation 12(4)(e) is a class-based exception, meaning there is no need to consider the sensitivity of the information in order to engage the exception. It is only necessary to demonstrate that the information falls within the category defined by the exception.

Internal Communications

42. The Commissioner considers that the concept of a communication in this context is broad and will encompass any information someone intends to communicate to others, or even places on file (including saving it on an electronic filing system) where others may consult it. An internal

communication is also a communication that stays within one public authority.

43. DECC said that all of the withheld information is emails between DECC staff, or emails between DECC staff and staff members from other government departments. There is also one item which contains emails between DECC staff and a ministerial private office of DECC. The Commissioner notes that the parties sending and receiving these emails were DECC, the OND, the NDSO and the ONR.
44. The Commissioner contacted DECC to check that all of these parties are indeed government departments. DECC confirmed that the Nuclear Decommissioning and Security Directorate ("NDSO") is the directorate within DECC dealing with nuclear security issues, the Office of Nuclear Development ("OND") is the directorate within DECC dealing with nuclear policy and nuclear new build and the Office of Nuclear Regulation ("ONR") is an executive agency of the Health and Safety Executive. The Health and Safety Executive is a Non Departmental Public Body ("NDPB") sponsored by the Department of Work and Pensions and is not a government department. DECC argued that nonetheless correspondences from it are covered by Regulation 12(4)(e).
45. DECC argued that internal communications can include correspondence between departments and NDPBs which, whilst not government departments, are part of the state. DECC argued that correspondence between the ONR and DECC are internal to government in this broader sense and so falls within the scope of regulation 12(4)(e).
46. The Commissioner pointed out to DECC that this is not the case. DECC did not accept this, however the Commissioner does not accept that communications between government departments and NDPB's constitute internal communications, as is made clear in the Commissioner's guidance on this.¹
47. The Commissioner therefore finds that the emails between the ONR and any third party, including DECC, are not exempt by way of Regulation 12(4)(e) and he therefore orders DECC to disclose all emails sent or received by the ONR which fall within the scope of the request, with the exception of any which are exempt by way of other exceptions.
48. In addition to this, the Commissioner has noted that some of the withheld emails have been sent by the OND to the Health and Safety Executive (HSE). The HSE is a non-departmental public body and

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http://www.ico.org.uk/for_organisations/guidance_index/~media/documents/library/Environmental_info_reg/Detailed_specialist_guides/eir_internal_communications.ashx

therefore, in line with the Commissioner's guidance on internal communications, he does not accept that regulation 12(4)(e) is engaged in relation to any emails sent to, or copied into, the HSE. The Commissioner therefore requires DECC to disclose these emails.

49. For the remaining information, where the ONR or HSE is not a party, the Commissioner accepts that Regulation 12(4)(e) is engaged.

Internal Communications involving a Ministerial Private Office

50. In regards to the withheld information which contains communications involving a ministerial private office DECC applied section 35(1)(d) FOIA and explained that the withheld information relates to the office of the then Energy Minister Charles Hendry MP and his ministerial correspondence. The Commissioner considers that these arguments can be read across for his assessment under Regulation 12(4)(e) of the Regulations.

The public interest test

51. DECC acknowledged that there is public interest in knowing how a ministerial private office operates.
52. DECC countered this to argue that the public interest inherent in preserving a private space for a Minister's private office to focus on organising the Minister's work efficiently. DECC added that in its view if the information were disclosed it would inhibit effective communications between officials and ministerial private offices. DECC said that this could impede the effective operation of the private office and would be contrary to the public interest.
53. However, DECC has not provided any specific examples as to how disclosure of the specific withheld correspondence would inhibit effective communications between officials and ministerial private offices, and neither has DECC demonstrated how disclosing this specific information would lead to distractions for those working in either office. Therefore, the Commissioner has not attached any weight to these arguments.
54. The Commissioner considers the above arguments to be too vague and generic to carry any weight on either side of the public interest test, because they do not explain anything about the specific withheld information. The Commissioner therefore reviewed this withheld information, and has concluded that there is nothing within that information which the disclosure of would be contrary to the public interest.
55. The Commissioner therefore finds that the presumption in favour of disclosure under the EIRs is engaged for the withheld information that is

a correspondence between DECC and a ministerial private office, and he therefore orders that DECC disclose this information.

All other internal communications

56. As outlined above, DECC explained how and why the withheld information constitutes internal communications. Having reviewed the withheld information, the Commissioner accepts these explanations and finds that the exception at regulation 12(4)(e) is engaged for the remainder of the withheld information.
57. In regards to the remainder of the withheld information DECC applied section 35(1)(a) FOIA. The Commissioner considers that these arguments can be read across for his assessment under regulation 12(4)(e) of the Regulations.

The public interest test

58. The Commissioner considers that there is a general public interest in greater transparency, particularly where the subject matter relates to environmental issues such as nuclear safety. DECC acknowledged this by saying that disclosure of the information in question could lead to transparency in government thinking and lead to a better understanding of government decisions.
59. The Commissioner considers that the withheld information shows how concerns about the environment from members of the public are dealt with by the government, and that disclosure of this is in the public interest as it enables the public to see how these concerns are taken into account by government. The Commissioner considers that greater transparency about these matters is inherently in the public interest.
60. DECC acknowledged that for some of the information there is a public interest in demonstrating transparency in its dealings with other government departments. More specifically, DECC also acknowledged the point made above at paragraph 59, stating that for some of the information there is some public interest in disclosure in that it demonstrates that government has taken the complainant's concerns seriously and has thought through some of the processes and implications. It is the Commissioner view that this point carries considerable weight.
61. The complainant explained that the request for information relates to internal discussions and discussions between departments about a proposal for a minimum separation policy (minimum distance between an airport and a nuclear site) as well as other communications associated with aircraft crash rates, in particular those relating to Dungeness A, B and C. The Commissioner considers that the withheld

information is communications about the complainant, her concerns, the proposal, and about how all of these things should be handled by DECC. The complainant said that that the closest proximity of any airport to a nuclear power station in the UK is on the Dungeness Peninsula (she added that in fact it is the smallest separation anywhere in Europe, possibly the world). It is the complainant's view that if these planning applications are approved and the proposal to extend the runway at Lydd Airport so that it can accept large Boeing 737s and A320s goes ahead this would result in a step change in risk to the public.

62. The complainant expressed concerns that if the expansion plans are implemented and the runway is built, this would change Lydd Airport from an entity whose current operations present no threat to the nuclear power stations to one that operates aircraft which have the potential to cause its highest category, target 9, nuclear accident.
63. DECC said that the complainant's concerns (as outlined above at paragraphs 60 and 61) are incorrect and that the public would not be put at risk. The Commissioner is not in a position to comment on this matter as he is not an expert in this area. Whether or not the risk is high in actuality, the Commissioner considers that there is inherent public interest in the consideration of this risk on the part of the government being transparent.
64. DECC argued that disclosure of the withheld information would inhibit the free and frank exchange of advice. DECC explained that the information in question relates to the consideration of a minimum separation (i.e. a minimum distance between nuclear power stations and airports) of which the complainant's proposals for a minimum separation policy forms one element. However, DECC did not specify how the content of the specific information that was withheld would have this effect if disclosed. The Commissioner therefore considers that these arguments are too broad to carry significant weight, as they fail to show that there is a strong public interest in ensuring the disputed information would be likely to inhibit this debate or proper engagement should it be disclosed.
65. DECC did supply some arguments in regard to this. DECC argued that there is a strong public interest in ensuring that there is a proper engagement and debate both within DECC and between DECC and other government departments. However, as the Commissioner has already determined that regulation 12(4)(e) is not engaged in relation to communications between DECC and other government departments he does not consider arguments relating to its relationship with the ONR to be relevant in this case.
66. That being said, DECC has also argued (albeit to a lesser extent) that there is a public interest in ensuring there is proper engagement and

debate within DECC as well as externally with other departments. DECC argued that disclosure may impact on the likelihood of officials expressing and testing views if the deliberations in this case were made public.

67. The Commissioner in some cases will afford weight to the argument that disclosure could inhibit the free and frank exchange of advice where it can be demonstrated. In this case, he does not consider that DECC has presented him with cogent arguments that demonstrate how disclosure of the actual withheld information would have this effect.
68. DECC said that some of the information provides an official's perspective rather than a formal objective account in order to share thoughts and provoke internal debate about the best course of action. DECC reiterated that there is a public interest in withholding this information as officials need space in which to communicate their thinking. The Commissioner accepts that in principle this is true, but again considers that DECC has not shown how disclosure of this specific information would have this effect. He therefore considers that in this case this argument has very little weight.
69. DECC argued that there is little public interest in publishing information that simply sets out government's early thinking on how it should internally manage and handle an administrative process, which would not increase public knowledge of the way government works. The Commissioner considers that this argument is not applicable in this case, in that the requested information shows governmental engagement with the public on environmental matters. The Commissioner considers that there is a public interest in being transparent about all stages of this process.
70. The Commissioner considers that the withheld information relates to how DECC has handled a concern about nuclear safety when it was raised by a member of the public. The withheld information shows DECC's consideration of this concern, and the Commissioner therefore considers that there is inherent public interest in this process being made public.
71. The Commissioner recognises that, inherent in the exception provided by regulation 12(4)(e) is the argument that a public authority should be afforded private space for staff in which issues can be considered and debated, advice from colleagues be sought and freely given and ideas tested and explored to protect the integrity of the deliberation process. The Commissioner also recognises that public authorities often require a safe space in which to debate issues without the hindrance of external comment and to develop their policies or opinions free from outside interference. However, the Commissioner has to consider the specific

information in dispute in this case in order to determine whether this safe space is still relevant and important.

72. In this case the Commissioner considers that DECC has not presented any cogent arguments that demonstrate how disclosure of the actual withheld information would have the above described effect. Furthermore, the Commissioner considers that it is not for him to argue a point on a public authority's behalf. Instead, it is the responsibility of the public authority to provide compelling arguments to support its position for the Commissioner to consider. Therefore, the Commissioner considers the safe space is not relevant to this specific discussion contained within the withheld information.
73. DECC said that, having considered the factors its view is that the public interest arguments for transparency and public scrutiny are outweighed by the much stronger public interest arguments of the need to ensure proper engagement and candid debate within Government and between Government and the ONR. The Commissioner notes that in making this argument DECC placed particular weight on its arguments regarding the communications between DECC and the ONR which the Commissioner has already concluded are not caught by Regulation 12(4)(e) as he does not accept communications between DECC and the ONR are internal communications.
74. A large part of DECC's arguments are about the need for candid debate between Government and the ONR; however, as explained at paragraph 67, the Commissioner is not minded to accept that any inhibitory effect on the free and frank provision of advice has been sufficiently demonstrated as likely to occur as a result of disclosure of the specific withheld information. Consequently, the Commissioner considers that the overall arguments as to the public interest in disclosure are substantially less than DECC has argued.
75. Furthermore, in this case it is the view of the Commissioner that DECC's arguments for the public interest test considerations associated with regulation 12(4)(e) do not go beyond largely generic submissions for withholding the information. Arguments, in short, that are not of sufficient detail and depth to demonstrate why the EIR's presumption in favour of disclosure should be overridden.
76. In light of the above, the Commissioner finds the public interest falls in favour of disclosure of the withheld information and orders that DECC must disclose the information withheld under 12(4)(e).

Other matters

77. The Commissioner notes that the withheld information contains some information that constitutes third party personal data, which DECC has highlighted. The Commissioner considers that it is appropriate for DECC to redact out these highlighted parts, as they are exempt from disclosure under the EIRs by way of regulation 13(1).
78. Furthermore, the Commissioner notes that parts of the withheld information constitute the personal data of the complainant. The Commissioner considers that this also needs to be redacted as it is exempt from disclosure under the EIRs by way of Regulation 13(1). The Commissioner has already explained this to DECC and advised DECC that it will need to make appropriate redactions.
79. The Commissioner therefore instructs that DECC should make these redactions and then disclose all of the withheld information.

Right of appeal

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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

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

Pamela Clements

Group Manager, Complaints Resolution

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF