

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 18 August 2014

**Public Authority:** Ministry of Justice (Legal Aid Agency)  
**Address:** 102 Petty France  
London  
SW1H 9AJ

#### Decision (including any steps ordered)

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1. The complainant requested information about a tender bid process in 2010 for legal aid work from the Legal Aid Agency, which is an executive agency of the Ministry of Justice (the 'MOJ'). The request was refused on the basis that the MOJ deemed it vexatious in accordance with section 14(1) of FOIA because the complainant was acting as part of a campaign. The Commissioner's decision is that the MOJ has incorrectly applied section 14(1) of FOIA to this request.
2. During the investigation, the MOJ said that it would seek to rely on section 44(1)(c), prohibitions on disclosure if the Commissioner found that section 14(1) was not engaged. The Commissioner finds that section 44(1)(c) is engaged in relation to this request.

#### Background

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3. The Commissioner notes that the Legal Aid Agency (formerly the Legal Services Commission) is not a public authority itself, but is actually an executive agency of the MOJ that is responsible for it. Therefore, the public authority in this case is actually the MOJ and not the Legal Aid Agency; however, for the sake of clarity, this decision notice refers to the Legal Aid Agency as if it were the public authority. All references to the Legal Aid Agency within this notice should also be read for the former Legal Services Commission.
4. The complainant describes himself as an "*aspiring investigative journalist*" who understood that there was a "*huge maladministration*

*concerning the MOJ in relation to the award of contracts and a possible cover up for misconduct in public office”.*

5. The MOJ believed the complainant was acting in concert with another individual in making this request. Hereon in, this individual is referred to as 'Individual A'.
6. Individual A is part of another firm of solicitors, who were involved in the legal aid work tender proceedings in 2010, which were unsuccessful. This firm launched judicial review proceedings against the Legal Aid Agency, having been refused an immigration contract after failing to answer a number of the selection criteria questions on its application. The Commissioner notes that not only are these proceedings relating to individual A's firm ongoing, but that they were in progress at the time of the complainant's request.
7. The MOJ advised the Commissioner that individual A has submitted a number of overlapping requests in relation to his firm of solicitors and that he has, in the MOJ's words, *"an extensive history of making FOI requests relating to legal aid tender activity and in respect of which the Information Commissioner's Office has recently issued a decision notice supporting our use of FOI section 14(1)."* In this case (reference FS50505670)<sup>1</sup> individual A's request about [name of solicitor 1 redacted] was refused as vexatious on the basis that it related to his ongoing litigation, and that the MOJ was subject to unreasonable burden imposed by dealing with his overlapping litigation and FOIA correspondence.
8. The Commissioner also understands that the Lord Chancellor involved in the legal proceedings has requested that any further requests for disclosure from individual A should be made in those proceedings, as opposed to him making FOIA requests. The court will then be able to consider the relevance of the information in the context of those proceedings, and make an informed decision as to whether or not that information should be disclosed.
9. Section 17(6) of FOIA allows a public authority not to respond to a request if it has previously issued a notice relying on section 14 and it would be unreasonable for the public authority to issue a further refusal notice. The Commissioner will usually only consider it unreasonable to issue a further notice when an authority has previously warned the

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<sup>1</sup> [http://ico.org.uk/~media/documents/decisionnotices/2013/fs\\_50505670.ashx](http://ico.org.uk/~media/documents/decisionnotices/2013/fs_50505670.ashx)

requester that it will not respond to any further vexatious requests on the same or similar topics.

10. Such a notice was issued to individual A on 23 May 2013, where the MOJ advised him that it would no longer be responding to FOIA requests in relation to individual A's specific case or further requests which are in some way attributed to his ongoing legal action, the Legal Aid Agency's tender process, or individual tenders which have taken place over the last three and a half years.
11. This means that individual A cannot use FOIA as a means to securing information relating to the tender process or legal action. The MOJ believes that individual A is now attempting to circumnavigate the FOIA by attempting to access the same, or substantially similar information, using third parties to make requests on his behalf, one of whom the MOJ believes is the complainant which is considered further in the 'Reasons for decision' part of this notice.
12. The Commissioner has considered a complaint from another individual under *Reference FS50532809* whom the MOJ also believed to be acting as part of a campaign with individual A. For the purposes of this notice, the complainant in that case will be referred to here as 'individual C'. Individual B in *FS50532809* is the complainant in this case.

## Request and response

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13. On 29 December 2013 the complainant wrote to the MOJ and requested information in the following terms about the same firm of solicitors that Individual A had made a request about, shown as 'solicitor 1':

*"I would like to obtain information and comments concerning an organisation called [name of solicitor 1 redacted].*

- 1. Could I obtain copies of any correspondence (including letters, emails, representations [sic] etc) between the then LSC and [solicitor 1] between the dates of 15 June 2010 and 5 December 2010.*
- 2. Please include the letter before claim received from [solicitor 1] and the LSC's reply to it.*
- 3. Please confirm whether [solicitor 1] obtained a contract because another organisation had its allocation of cases (New Matter Starts) withdrawn. If yes what is the name of the organisation that had its allocation of cases withdrawn and the number of cases that became available as a result of that withdrawal.*

4. *On what date did the LSC first informed [sic] [solicitor 1] about the fact that its tender was successful."*
14. On 24 January 2014 the MOJ responded. It refused to provide the requested information and cited section 14(1), vexatious requests, based on its view that the complainant's request is *"identical to that made by another individual, who has an extensive history of making FOI requests relating to legal aid tender activity and in respect of which the ICO has recently issued a decision notice supporting our use of section 14(1)." (Reference FS50505670)*. The MOJ said that whether or not the complainant was making requests under FOIA in identical terms to requests made by individual A means that, *"willingly or not, your request forms part of the burden imposed on the Public Authority tasked with the answer to the request, and as such becomes part of a campaign with this individual"*.
15. The complainant requested an internal review on 30 January 2014, the outcome of which the MOJ provided on 27 February 2014. It maintained its original position that the request was vexatious.

## Scope of the case

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16. The complainant contacted the Commissioner on 9 March 2014 to complain about the way his request for information had been handled. He disputed that his request was vexatious and contended that he was not acting as part of a campaign with another individual and was not aware of *"any person who sent a vexatious request to them [the MOJ]"*. He highlighted that he had only made two requests in nine years.
17. The Commissioner has considered whether the MOJ was entitled to rely on the vexatious exclusion contained in section 14 of FOIA. As the MOJ had said it would seek to rely on section 44(1)(c), prohibitions on disclosure, if the Commissioner did not find that section 14(1) is engaged, the Commissioner has also considered the application of section 44(1)(c) to the request.

## Reasons for decision

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### Section 14 – Vexatious requests

18. Section 14(1) of FOIA states that a public authority is not obliged to comply with a request for information if the request is vexatious.

19. The term 'vexatious' is not defined within FOIA. However, it has been considered in the case of *The Information Commissioner and Devon County Council vs Mr Alan Dransfield (GIA/3037/2011)*<sup>2</sup>. The Upper Tribunal took the view that the ordinary dictionary definition of the word vexatious is only of limited use, because the question of whether a request is vexatious ultimately depends upon the circumstances surrounding that request. The Tribunal concluded that 'vexatious' could be defined as the "...manifestly unjustified, inappropriate or improper use of a formal procedure" (paragraph 27). The decision clearly establishes that the concepts of 'proportionality' and 'justification' are central to any consideration of whether a request is vexatious.
20. In the Dransfield case, the Upper Tribunal also found it instructive to assess the question of whether a request is truly 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) and harassment or distress of and to staff.
21. 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).
22. The Commissioner has identified a number of 'indicators' which may be useful in identifying vexatious requests. These are set out in his published guidance on vexatious requests<sup>3</sup>. 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.

### **Detrimental impact on the public authority - Campaigns**

23. In this case the MOJ told the complainant that it had reason to believe he was acting in a campaign with an individual (individual A) who could

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<sup>2</sup> <http://www.osscc.gov.uk/judgmentfiles/j3680/GIA%203037%202011-01.doc>

<sup>3</sup> [http://www.ico.org.uk/~media/documents/library/Freedom\\_of\\_Information/Detailed\\_specialist\\_guides/dealing-with-vexatious-requests.ashx](http://www.ico.org.uk/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/dealing-with-vexatious-requests.ashx)

no longer make FOIA requests associated with the 2010 tender process. In addition, the MOJ said it had received an almost identical request to the complainant's from another individual, namely individual C.

24. The MOJ told the complainant and the Commissioner it also has evidence of individual A using third parties to make FOIA requests in the past. The MOJ said it believed the complainant's request of 21 November 2013 to be identical to that submitted by individual A on 5 February 2013; the latter having been considered in *FS50505670*.
25. The MOJ explained that, on 26 December 2013, it had received a request from individual C (the complainant in *FS50532809*) about [solicitor 1], which is one of the firms of solicitors involved in the tender process. The MOJ told the Commissioner that the complainant's request, which is also about [solicitor 1] is almost identical to one submitted by individual C.
26. The complainant told the Commissioner that he is not aware of any person sending the MOJ a vexatious request and stated *"It is wrong for the LAA to limit my right to obtain information because someone else may have exhausted his right to obtain information. Access to information is an individual right not a collective right."*
27. When determining if a complainant can be seen as acting in concert for the purposes of deciding if the request is vexatious, the Commissioner defers to his guidance on this<sup>4</sup>, which includes *"If a public authority had reason to believe that several different requesters are acting in concert as part of a campaign to disrupt the organisation by virtue of the sheer weight of FOIA requests being submitted, then it may take this into account when determining whether any of those requests are vexatious."*
28. His guidance suggests that there must be some tangible evidence to substantiate the claim of a link between requests, for example that the requests are similar, the requesters copy each other into requests, the pattern of requests is unusual or frequent, or the group has a website which references a campaign against the public authority. The Commissioner has considered this point very carefully as he is conscious of the fact that accepting that requesters are acting in concert will add

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<sup>4</sup> Paragraphs 89-95  
[http://www.ico.org.uk/for\\_organisations/guidance\\_index/~media/documents/library/Freedom\\_of\\_Information/Detailed\\_specialist\\_guides/dealing-with-vexatious-requests.ashx](http://www.ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/dealing-with-vexatious-requests.ashx)

much greater validity to the claims that the request in this case is vexatious.

29. In response to the Commissioner's investigation, the MOJ sent a 'schedule of interaction' between individual A, the complainant and individual C which highlights the requests made and the areas of crossover. The Commissioner has examined the schedule and accepts that the requests are very similar in theme. He also agrees that the timing of the complainant's request coincides with individual A no longer being able to submit requests which relate to his litigation.
30. The MOJ contended "*The wording of the requests is substantially similar and it is the Department's assessment that the requests are so particular in their nature and proximate in time to the ICO's decision in [individual A's] case that it is highly unlikely that they would now have been requested independently by an individual unaware of the specifics of [individual A's] litigation.*"
31. In addition the MOJ submitted evidence in support of its view that individual A is using other third parties to circumnavigate the FOIA, showing possible links between individuals A and C and the complainant, together with an email from individual A to one of the Legal Aid Agency lawyers which shows that individual A had requested the same information about [solicitor 1] as both the complainant and individual C. The Commissioner has reviewed the evidence and accepts that the complainant had requested similar information about [solicitor 1] as individuals A and C. The Commissioner has not seen any evidence that requests have been made about [solicitor 2] by individual A or the complainant. He also notes that individual A and the complainant made similar requests about another firm of solicitors [solicitor 3] involved in the tender process.
32. The MOJ also forwarded an email from the Legal Aid Agency's legal team to their Information Governance team which enclosed documents which make express reference to the complainant's association with individual A in relation to litigation.
33. Having reviewed the email and individual A's request made as part of the litigation proceedings, the Commissioner is satisfied that individual A's request is very similar to that made by the complainant about [solicitor1], but he can find no evidence that individual A has made any reference to an association with the complainant.
34. In support of its view that individual A was acting in concert with third parties, the MOJ also highlighted that in December 2013, the complainant had submitted what the MOJ considered to be an "*almost identical request*" to individual C about [solicitor 1]. The following month



(January 2014) individual A submitted another similar request about [solicitor 1]. The Commissioner has examined the three requests in question which are about [solicitor1] and accepts that there is some overlap in the information requested.

35. The MOJ said because all the information requests it highlighted are similar in nature and relate to the legal aid tender process, and were received within a few weeks of each other, that it believes this is no coincidence. It said that in its view it is unlikely that the complainant has requested the information "*without external influence*".
36. The MOJ told the Commissioner that to respond to the complainant's request (which it assessed as unlikely to end with one request about this matter) would therefore, contribute to the burden on its resource that individual A's request and litigation have caused.
37. The MOJ explained that it had concluded that section 14(1) of FOIA applied to the complainant's request as it had taken this chronology of events as evidence that the complainant was acting in a campaign with individual A, and in doing so he was helping individual A to continue to request the same information and bypass section 17(6) of FOIA. The MOJ stated that while FOIA poses no limitations on what a requester can do with the information disclosed to them, it "*would be improper for the Department to allow individuals to act collaboratively to circumnavigate the decision of both the Department and the ICO (the Commissioner), and continue to allow disproportionate Departmental time and resource to be spent on their case.*"
38. In summary, to support its view that individual A is using third parties to make request on his behalf, the MOJ said its contentions are based upon the similar wording of the requests submitted by individuals A and C and the complainant, and the fact that the requests cover information that would not be widely known to the public because there is a High Court Order, dated 17 July 2013, which expressly prohibits the names of third party forms of solicitors being used by the claimants other than in the course of the litigation.
39. In addition the MOJ said individual A has also asked a barrister [name redacted] to make requests on his behalf, despite being clearly aware of the findings of the Department and the Commissioner in relation to sections 14(1) and 17(6) of FOIA. The MOJ advised that it has recently received tabled Parliamentary Questions from an MP, which again ask for the information in question. It said that "*this evidence illustrates a pattern which has come about since the Department stopped responding to FOI requests which it determines related to [individual A's] litigation*".



40. In his complaint of 9 March 2014, the complainant wrote to the Commissioner and said that he is an aspiring investigative journalist and that he *"understood that there problems with the LAA's tendering procedures."* He said that the MOJ had *"failed to provide any evidence whatsoever to show that I am part of a campaign to disrupt the LAA"*. He also said that the LAA had advised that its dealings with the other individual concerned (individual A) date back to 2010 and *"it is wrong for the LAA to hold me responsible for what someone else has done 4 years ago"*.
41. The MOJ told the Commissioner it had received a third FOIA request from the complainant on 8 February 2014, which it did not believe was related to individual A, and so it responded. This, it said, demonstrates that it had considered the Commissioner's vexatious guidance and had concluded that the request did not fall into this category. It also said that this illustrates that *"there is no prejudice to [the complainant] in respect of his journalistic status"*.
42. In addition, the MOJ said that it had responded to the complainant's request about [solicitor 3] which he submitted in November 2013, despite this request being identical to that of individual A which it refused on the grounds that it was vexatious on 5 February 2013. The MOJ commented *"That there had only been two requests from [the complainant] in this period, and those requests mirrored ones made by [individual A], only reinforces the Department's view that [the complainant] Freedom of Information request (under MOJ reference 87657 about [solicitor 1]) was not made independently."*
43. The Commissioner accepts that the subject matter of the complainant's request about [solicitor 1] and [solicitor 3] is the same as that requested by individual A. He also notes that the timing of the complainant's request (29 December 2013), is around the time that the Commissioner's decision notice FS50505670 was issued to individual A (18 December 2013) upholding the MOJ's decision to apply section 14(1) to individual A's request. Whilst it is possible that the complainant may have an association with individual A, and also individual C, the Commissioner is not convinced that this is conclusive.
44. Taking this into account the Commissioner has determined that there may be sufficient evidence to link individual A with both the complainant and individual C and to accept they may be acting in concert. The Commissioner has therefore gone on to consider whether the requesters are acting in concert to obtain information about a genuine underlying issue or to engage in a campaign of disruption under the headings below. He has focused on whether the aggregated impact of dealing with the requests would cause a disproportionate and unjustified level of disruption, irritation or distress.

## **Is the request vexatious?**

### *Burden imposed by request*

45. The Commissioner's guidance states that:

*"a request which would not normally be regarded as vexatious in isolation may assume that quality once considered in context. An example of this would be where an individual is placing a significant strain on an authority's resources by submitting a long and frequent series of requests, and the most recent request, although not obviously vexatious in itself, is contributing to that aggregated burden".*

46. The guidance also states that a requester's past pattern of behaviour may also be a relevant consideration. For instance, if an authority's experience of dealing with a requester previously suggests that they are unlikely to be satisfied with any response and will submit further follow-up correspondence, then this evidence could strengthen any argument that responding to the current request will impose a disproportionate burden on the authority.

47. The *Dransfield* tribunal said that *"the purpose of section 14 must be to protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use of FOIA"*.

48. In this case, the MOJ said it believes individual A is using third parties to make requests on his behalf because he has been issued with a section 17(6) refusal notice, which prevents him from making requests about the 2010 legal aid tender bid process. The MOJ believes that one of those third parties is the complainant.

49. The MOJ explained that its view is based upon the similar wording of request submitted by individual A, individual B and the complainant and it forwarded a document highlighting the overlap and similarities between those requests.

50. In addition, the MOJ pointed out that the requests cover information which would not be widely known to the public, particularly given that the High Court has ordered that the names of the third party firms involved in the litigation must remain confidential. The MOJ said that it was aware that Individual A has also asked a barrister to make requests on his behalf.

51. The MOJ explained that it had also received tabled Parliamentary Questions from an MP which again asked for the information in question.

52. The MOJ said that this evidence illustrates a pattern which has come about since it stopped responding to FOIA requests which it determines related to Individual A's litigation.
53. In terms of the burden, the MOJ said that it is already expending *"significant resource in handling [Individual A's] litigation in terms of staff time. Any further information related to that litigation that is provided to [Individual A] outside of the appropriate legal disclosure routes would add further burden to Departmental resources. [Individual A] has adequate routes to obtain the information he requires outside of the FOIA"*.
54. The MOJ said it believed that the complainant's request would be unlikely to end with one request about the matter and would therefore contribute to the burden on its resource that Individual A's requests and litigation have caused.
55. In addition, the MOJ explained that it had applied section 14(1) to the complainant's request as it had taken the chronology and timing of events as evidence that he was acting in a campaign with individual A and, in doing so, he was helping individual A to continue to request the same information and bypass section 17(6) of the FOIA. The MOJ acknowledged that the FOIA poses no limitations on what a requester can do with the information disclosed to them, but said it would be *"improper for the Department to allow individuals to act collaboratively to circumnavigate the decision of both the Department and the ICO, and continue to allow disproportionate Departmental time and resource to be spent on their case."*

#### *Motive of the requester*

56. It is important to note that it is not the requester who is 'vexatious' but his or her request(s). However, the Commissioner's view is that different requesters can make the same request and receive differing outcomes in terms of whether the request is vexatious, once the relevant context has been considered for each of those individuals.
57. FOIA is generally considered to be applicant blind but this does not mean an authority cannot take into account the wider context in which the request is made and any evidence the requester volunteers about the purpose behind his or her request.
58. Given the MOJ's view that Individual A is using the complainant to make requests on his behalf, the MOJ explained that it had assessed that responding to the complainant's request could result in *"significant burden in terms of expense and distraction on various teams in the LAA (Legal Aid Agency) and the MOJ; create an unjustified level of irritation;*

*and lead to a further significant burden on the LAA by generating further follow-up correspondence from (Individual A) or others”.*

59. In support of this the MOJ quoted the First Tier Tribunal’s decision *EA/2011/0163*, in which Judge Angus Hamilton accepted the FOIA request in question *“which in isolation was not particularly burdensome”* was rendered vexatious by a number of characteristics , including:

*“15(g) The question is whether a request is vexatious, rather than whether the requester is vexatious. There is no mechanism for an individual to be treated as being the FOI equivalent of a ‘vexatious litigant’, so as to lose his right to make requests to a specific public authority or to public authorities generally. Each request needs to be considered on its own merits. But that does not mean that requests can be viewed in isolation. A request needs to be looked at in its context and history, and by reference to the previous course of dealing between the requester and the public authority....It follows that it may be proper to treat a request as vexatious, even if the same request made by a different individual would not be vexatious.*

*15(h) Thus a request which viewed in isolation, is unobjectionable, can still be vexatious because of the previous course of dealing between the requester and the public authority... Likewise, a request that on its face is not burdensome to reply to may nevertheless be vexatious because of the further correspondence to which any response is likely to give rise...”.*

60. The MOJ said that although the complainant’s request was not vexatious in isolation, given its connection to the requests made previously by Individual A, *“they must all be seen in the context of a previous course of dealings that has seen the LSC/LAA face an extended campaign of requests that have persisted over what is now a number of years. Taken in aggregate, the volume and frequency of these requests represents a burden to staff across various teams within the LAA that we considered vexatious”.*
61. The Commissioner accepts that individual A may be acting in concert with other parties, but he also recognises that the complainant may have a genuine interest in the tender process and that he has expressed concern that there has been *“maladministration”* in the handling of the 2010 tender process.
62. After careful consideration, the Commissioner accepts that the purpose of the complainant’s request, which is one of two or three he has submitted to the MOJ, is related to a genuine underlying issue and the Commissioner does not consider that the request was intended to disrupt the main functions of the MOJ.

*Harassment or distress caused to staff*

63. The MOJ has not claimed that the request has caused any of its staff to feel harassed or distressed per se, but rather that the burden imposed by what it considers to be a campaign has resulted in "irritation" and staff being distracted.
64. The complainant said *"In relation to the issue of burden on the body: I would point out that I only made two requests in 9 years. Therefore, it cannot be said that I am imposing unreasonable burden."*
65. The Commissioner is aware that there is concern from the complainant that there may have been maladministration within the LAA in relation to its handling of the tender process, and can find no evidence of, for example, disparaging remarks or inappropriate use of language.

*Value or serious purpose of request*

66. The MOJ said that in respect of the complainant's journalistic status, it considered that the requested information *"formed part of a scattergun approach as defined by the ICO's vexatious guidance and were not satisfied that his request was genuinely directed at gathering information about an underlying issue and therefore lacked serious purpose or value."*
67. The Commissioner accepts that the complainant's request has a serious purpose, and has considered the aggregated impact on the MOJ of dealing with individual A, individual C and the complainant's requests as a whole. The Commissioner finds that while there is potentially some evidence of these individuals acting in concert, he does not consider that there is sufficient evidence of them acting as part of a campaign to disrupt. He also finds insufficient evidence of the complainant having made improper use of the formal procedure to request information under FOIA.

*Conclusion*

68. After careful consideration of the evidence before him, the Commissioner has concluded that whilst there is some evidence to suggest that the complainant and individual A may be working together to try to get the information denied to individual A in court, this could be also be circumstantial. Even if the complainant and individual A are working together, the Commissioner considers that there is insufficient evidence to indicate that they are part of a campaign to disrupt. He has therefore concluded that the MOJ has wrongly applied section 14(1) to the complainant's request.

## **Section 44 – Prohibitions on disclosure**

69. During the investigation, the MOJ said that if the Commissioner did not uphold its reliance on section 14(1), then it would seek instead to rely on section 44(1)(c) of the FOIA. This provides an exemption for information for which the disclosure would constitute or be punishable as a contempt of court. Section 44(1)(c) is a class based exemption; if the information conforms to the class described in this section, the exemption is engaged.
70. The MOJ explained that there is a High Court Order dated 17 July 2013 and has provided the Commissioner with a copy. This Order provides expressly that specific information shall not be disclosed save with the express permission of the court. The MOJ considers that the information within the scope of the complainant's request is caught by the Court Order. The Order was live at the time of the request and remains in place.
71. The MOJ considered that disclosure in response to the complainant's request would breach this Order and that this would constitute contempt of court. The task for the Commissioner here is to consider whether disclosure of the information in question would breach the Order made by the High Court and, if so, whether this would constitute, or be punishable as, contempt of court.
72. Having carefully considered the High Court Order and the representations of the MOJ the Commissioner accepts that breaching this Order by responding to the request would constitute contempt of court. The exemption provided by section 44(1)(c) is, therefore, engaged in relation to this information.



## Right of appeal

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

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

74. 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.
75. 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 .....**

**Gerrard Tracey**  
**Principal Adviser**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
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