

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 June 2015

Public Authority: Ministry of Justice
Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant requested information relating to the Rehabilitation Programme, including reports of business readiness. The Ministry of Justice (MoJ) confirmed that it held some relevant information but refused to disclose it citing sections 36(2)(b)(i) and (ii) (inhibition to the free and frank provision of advice and exchange of views) and 36(2)(c) (other prejudice to the effective conduct of public affairs) of the FOIA.
2. The Commissioner's decision is that section 36(2)(c) is not engaged and that, with respect to some of the information withheld by virtue of section 36(2)(b), the public interest favours disclosure. The Commissioner also found a small amount of information should have been withheld by virtue of section 40(2) (personal information).
3. The Commissioner requires MoJ to disclose the information incorrectly withheld under sections 36(2)(b) and (c), with the personal data in relation to which section 40(2) is engaged redacted.
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.

Background

5. The MoJ state that Transforming Rehabilitation is a reform programme that is changing the way offenders are managed in the community to bring down reoffending rates while continuing to protect the public¹.
6. New arrangements for the provision of probation services by 21 Community Rehabilitation Companies and the National Probation Service came into effect on 1 June 2014 under powers in section 11 and Schedule 2 of the Offender Management Act 2007.

Request and response

7. On 16 May 2014, the complainant wrote to the MoJ on behalf of its client and requested information in the following terms:

"[Requester] would like to request full details of the results of Test Gates 1-3 insofar as they provide:

- *an assessment of the Trusts' implementation of the new operational processes;*
- *identification of any areas where action or contingency plans are needed;*
- *an in-depth understanding of the risk profile for the Department; and*
- *an assessment of business readiness for June 2014.*

We are particularly interested in the level of preparedness of multi-trust areas, ICT issues and pay, allowances and other HR data for those transferring to the NPS. Finally we are interested in information relating to staff allocation against predicted caseloads/workloads.

Additionally, we request a copy of the terms of contracts upon

¹ <https://www.justice.gov.uk/transforming-rehabilitation>

which expressions of interest have been requested of bidders for each of the CRCs”.

8. On 16 June 2014 MoJ wrote to the complainant extending the time for responding to allow for consideration of the public interest.
9. MoJ provided its substantive response on 11 July 2014. It confirmed that it holds some of the requested information. With respect to the request for full details of the results of Test Gates 1-3 it refused to provide that information. It cited the following exemptions as its basis for doing so:
 - section 36(2)(b)(i) (inhibition to the free and frank provision of advice);
 - section 36(2)(b)(ii) (inhibition to the free and frank exchange of views); and
 - section 36(2)(c) (otherwise prejudice effective conduct of public affairs).
10. MoJ also requested clarification of some parts of the request, namely in relation to those parts of the request relating to staff allocation and contracts.
11. On 5 August 2014, the complainant requested an internal review of MoJ's application of section 36 to information relating to the results of test gates 1-3. MoJ sent the outcome of its internal review on 3 September 2014 upholding its original position.

Scope of the case

12. The complainants contacted the Commissioner on 22 September 2014 to complain about the way their request for information had been handled.
13. They told the Commissioner:

“The MoJ has indicated that, though the processing had not been piloted, there had been a number of what were described as “Test Gates” (3 in total), which were intended to test the intended procedures and their safety, and the readiness of the stakeholders to implement those procedures from 1 July 2014”.
14. The complainant explained that it anticipated that the Test Gates contain the results of testing various parts of the process and recording those results and risks identified:

"If correct, this would not comprise either 'advice' nor an exchange of views".

15. They also explained that they do not seek disclosure of advice provided on the Test Gates, but rather to have sight of the results themselves. In their view, the requested information *"does not extend to evidence of discussions that have occurred or advice given"*. They disputed that disclosure in this case would inhibit the free and frank exchange of views for the purpose of deliberation.
16. The withheld information in this case comprises three reports – Test Gates 1-3 - relating to business readiness testing. By way of explanation, MoJ told the Commissioner:

"The Test Gate exercises were analytical reports pulled together by the Transforming Rehabilitation programme team in order to provide an assessment of readiness to proceed through key Programme milestones".

17. The following analysis covers the MoJ's application of section 36 of the FOIA to the three reports.

Reasons for decision

Section 36 prejudice to effective conduct of public affairs

18. Section 36 can only be cited on the basis of the reasonable opinion of a specified qualified person that the prejudice or inhibition specified in section 36(2)(a)-(c) would or would be likely to occur.
19. In this case, MoJ has cited sections 36(2)(b)(i), (ii) and (c) in relation to the requested information relating to Test Gates 1-3. Section 36(2)(b)(i) provides an exemption where disclosure would, or would be likely to, inhibit the free and frank provision of advice. Section 36(2)(b)(ii) provides the same in relation to the exchange of views. Section 36(2)(c) provides an exemption where disclosure would or would be likely to prejudice the effective conduct of public affairs in a manner other than that specified elsewhere in section 36.
20. To find that any part of section 36(2) is engaged, the Commissioner must establish that a qualified person gave an opinion which found that the exemption applied and that the opinion was reasonable.
21. This exemption is also qualified by the public interest, meaning that if the exemption is engaged, the information should nonetheless be

disclosed if the public interest in the maintenance of the exemption does not outweigh the public interest in disclosure.

The qualified opinion

22. For government departments the qualified person is any Minister of the Crown. In this case, an opinion was sought from the then Minister of State for Justice and Civil Liberties – the Rt Hon Simon Hughes MP - on 9 June 2014. The opinion on the application of section 36(2) was provided on 16 June 2014. The Commissioner is satisfied that Simon Hughes, as a Minister of the Crown, is a qualified person for the purposes of section 36.
23. In determining whether the exemption is engaged, the Commissioner must determine whether the qualified person's opinion was a reasonable one. In doing so the Commissioner has considered all of the relevant factors including:
 - whether the prejudice or inhibition relates to the specific subsection of section 36(2) that is being claimed. If the prejudice or inhibition envisaged is not related to the specific subsection the opinion is unlikely to be reasonable;
 - the nature of the information and the timing of the request; and
 - the qualified person's knowledge of, or involvement in, the issue.
24. In determining whether the opinion is a reasonable one, the Commissioner takes the approach that if the opinion is in accordance with reason and not irrational or absurd – in short, if it is an opinion that a reasonable person could hold – then it is reasonable. The qualified person's opinion does not have to be the most reasonable opinion that could be held: it only has to be a reasonable opinion.
25. In correspondence with the Commissioner, MoJ confirmed that the Qualified Person considered that section 36 was engaged in this case on the basis of the submission:

"..and their day-to-day awareness of the details of the Transforming Rehabilitation Programme".
26. The Commissioner has seen the submission produced by officials at MoJ and put before the qualified person on 9 June 2014, upon which the opinion was based. This included a description of the background to the request, an explanation of the section 36 exemption, a discussion of the harm arising from disclosure and an analysis of the public interest arguments both for and against the release of the information. It was

recommended that the qualified person agree to the application of sections 36(2)(b) and (c) of FOIA.

27. The submission explained why MoJ considers premature disclosure could be detrimental to the successful delivery of the programme. For example, it argued that those involved in future testing being asked for their views may be less frank in the opinions they provide about the effectiveness of the processes being tested. It argued that, as a result, decisions to progress to subsequent stages of the change process were at risk of being made without full knowledge of the facts.

28. In that respect MoJ told the complainant:

"It is essential that officials involved in the testing have a 'safe space' in which to frankly discuss the operation of processes, issues and potential risks as this evidence is used to inform critical decisions on whether it is appropriate to proceed with implementing key stages of the programme and therefore, ensuring successful delivery".

29. As a prejudice-based exemption, section 36(2) of FOIA requires the qualified person to decide either that there 'would' be a prejudicial or inhibiting effect or that it 'would be likely' that the prejudicial or inhibiting effect would occur; 'would' imposing a stronger evidential burden than the lower threshold of 'would be likely'.

30. Having considered the submission, the Commissioner notes that it variously refers to the terms 'would' and 'likely': it was the view of officials at MoJ, and endorsed by the qualified person, that there is a high chance that there would be a detriment to the provision of open and frank advice and that the free and frank exchange of views is likely to be hindered should the requested results information be released.

31. During the course of his investigation, MoJ confirmed that, with respect to section 36(2)(b)(i) and (ii) and 36(2)(c), it considers that prejudice or inhibition, as appropriate, would be likely to occur if the data was disclosed. In other words, it considers the lower level of likelihood to be relevant.

Is the opinion reasonable?

32. In relation to sections 36(2)(b)(i) and (ii), the Commissioner considers that they are about the process that may be inhibited, rather than what is necessarily in the information itself. The issue to determine is whether disclosure would be likely to inhibit the processes of providing advice or exchanging views.

33. MoJ argued that if those who were interviewed during the testing process were aware that their views could be made public this could have made them less candid in interviews for subsequent Test Gates or *'maybe even reluctant to participate at all'*.
34. The Commissioner understands that in order to compile reports of the type that are the subject of this decision notice, a series of interviews with key staff are carried out. Local assessments feed into an assessment of readiness to proceed and ultimately to recommendations for senior managers and Ministers.
35. MoJ stated that if the information provided by officials in the reporting process was hindered, it could affect the task of ensuring effective assessment and implementation of the Programme.
36. Given the nature and content of the information at issue, the Commissioner is prepared to accept as reasonable the opinion which says that disclosure would be likely to have an inhibitory effect. He considers that an assessment of risks in relation to the state of business and system readiness will only have value where it is based on frank advice and confident views – the candidness of which may be constrained where there is an expectation that such advice and views may be seen by the public and therefore open to scrutiny and criticism.
37. The Commissioner is mindful that the request for information in this case was made on 16 May 2014. In his view, the timing of the request in relation to the ongoing status of the programme supports the reasonableness of the opinion with respect to section 36(2)(b)(i) and (ii). The Commissioner is, therefore, satisfied that the opinion of the qualified person is reasonable in respect of section 36(2)(b)(i) and (ii) and so he has concluded that section 36(2)(b)(i) and (ii) of the FOIA is engaged in this case.
38. The Commissioner has next considered whether the qualified person's opinion on section 36(2)(c) was also reasonable.
39. The Commissioner's approach to section 36(2)(c) is that this should only be cited where none of the other exemptions in part II of the FOIA are relevant. That section 36(2)(c) uses the phrase "otherwise prejudice" means that it relates to prejudice not covered by sections 36(2)(a) or (b).
40. In other words, information may be exempt under both 36(2)(b) and (c) but the prejudice claimed under (c) must be different to that claimed under (b).
41. During the course of his investigation, the Commissioner asked MoJ to clarify the nature of the prejudice in relation to section 36(2)(c).

42. In response, MoJ told the Commissioner it considered that disclosure in this case would be '*strongly detrimental to the successful delivery of the Programme*'. In support of its view, MoJ told the Commissioner that all reform proposals need to be discussed in a space 'protected from scrutiny' so that options can be discussed without fear of criticism. It also explained that that it may fail to find the most effective solutions in future:

"... if staff fear their advice may become public prematurely".

43. In general the Commissioner accepts that public authorities can reasonably argue that they need a 'safe space' to develop ideas, debate live issues, and reach decisions away from external interference and distraction. However, in this case, the Commissioner considers that the submission to the qualified person fails to explain sufficiently how the prejudice envisaged is not covered by section 36(2)(b). In his view, the arguments are more relevant to section 36(2)(b), arguing as they do that premature comment or criticism would prevent or hinder the free and frank exchange of views or provision of advice.

44. The Commissioner considers that MoJ failed to provide sufficient explanation as to why it considers disclosure in this case would be likely otherwise to prejudice the conduct of public affairs. It follows that the Commissioner is not satisfied that the qualified person's opinion about the likelihood of prejudice under section 36(2)(c) is reasonable. Therefore he does not find section 36(2)(c) engaged.

The public interest

45. The Commissioner has found the exemption engaged in relation to the information withheld by virtue of sections 36(2)(b)(i) and (ii) and has carried the lower level of likelihood through to the public interest test.

Public interest arguments in favour of disclosing the requested information

46. The complainant told the Commissioner that it considers that the effective implementation of the Transformation of Rehabilitation Agenda is of considerable public interest:

"...not least of all because of the probation service's central role in securing the rehabilitation of offenders and the management of changing risk profiles within that cohort".

47. They explained that, with effect from 1 June 2014, changes to the way in which probation is provided – changes which it described as significant – were introduced. They told him:

"It is overwhelmingly in the interests of the public that the results of Test Gates are disclosed to enhance public trust and the trust of staff within the probation service ... that full account has been taken of risks on implementation and that they are being appropriately evaluated and managed".

48. Citing the probation service's role in the rehabilitation of offenders, the complainant also considered that it is in the public interest that appropriate issues are taken into account in ensuring that the systems in place are safe, robust and fully functional and that appropriate information is readily accessible.
49. MoJ acknowledged that the considerable public interest in the Transforming Rehabilitation reforms is a potential argument for disclosing the Test Gate reports.
50. MoJ also recognised the generic public interest in disclosing information which helps further the public's understanding of the way in which Government operates and contributes to the accountability of Ministers and public officials so as to increase public trust in the governmental processes. In particular it recognised this to be the case here:

"as the information relates to the effective delivery of a relatively high profile programme (the Transforming Rehabilitation Programme) which impacts on public safety..."

Public interest arguments in favour of maintaining the exemption

51. In favour of maintaining the exemption, MoJ told the complainant it considered that both inhibitions – to the free and frank provision of advice and to the free and frank exchange of views - are likely to occur if the data was disclosed.
52. In MoJ's view, it is essential that testing can take place away from public scrutiny to enable a frank exchange of views as to the state of readiness of the reforms. It argued that the knowledge that such information may not be protected in the foreseeable future could affect the robustness and directness of advice on complex issues and that this would be likely to prejudice the free and frank exchange of views and provision of advice.
53. In that respect, MoJ explained that the requested information includes information from third parties as well as from officials working on the Programme. It told the complainant:

"Disclosure of such information could impact on the willingness of these parties and officials to express themselves openly and

completely in their discussions whilst we ensure successful delivery of the Programme”.

54. MoJ stated that, given that it will be conducting further testing, it would not be in the public interest if the quality of decision making going forward was impaired.

55. It told the complainant:

“We need to ensure that probation staff and senior managers continue to provide frank advice and conduct robust assessments, as this is critical to the testing process. Disclosure would be detrimental to this and, consequently, the integrity and effectiveness of the overall testing process”.

56. In correspondence with the Commissioner, the MoJ acknowledged that there was (at the time of receipt of the request) and remains, a strong public interest in effective delivery of the Programme. However in its view, effective delivery of the planned changes depends on enabling officials to provide free and frank assessments and advice.

57. Arguing strongly in favour of maintaining the exemption, MoJ stated that it is good government practice to challenge proposals robustly internally and that it needs to maintain an effective mechanism to do that – a mechanism which relies on free and frank discussion and advice.

58. It confirmed its view that disclosure in this case would likely impair the quality of decision making going forward as disclosure would be detrimental to the continued provision of frank advice and its ability to conduct robust assessments. It reaffirmed its view that disclosure would therefore likely be detrimental to the integrity and effectiveness of the overall testing process.

59. MoJ also told the Commissioner that it considered that the information, if disclosed:

“could be misinterpreted by a range of stakeholders ultimately resulting in a less effective use of public money”.

60. It also expressed the view that a less than frank reflection on the state of readiness could lead to the wrong decision being made, which in turn could impact on the successful delivery of the programme with the potential to effect – directly or indirectly - public safety and Government expenditure.

Balance of the public interest

61. In the Commissioner's view, having accepted the reasonableness of the qualified person's opinion that disclosure of the information would be likely to have the stated detrimental effect, the Commissioner must give weight to that opinion as a valid piece of evidence in his assessment of the balance of the public interest. However, in order to form the balancing judgment required by section 2(2)(b) of FOIA, the Commissioner is entitled, and will need, to form his own view as to the severity, extent and frequency of that detrimental effect.
62. In reaching his decision in this case, the Commissioner has taken into account that the request for information was made in the context of a major reform programme affecting the Probation Service in England and Wales.
63. The Commissioner recognises that the Transforming Rehabilitation programme is implementing changes to the way in which offenders are managed in the community. He accepts that the reorganisation of the provision of probation services is a matter that requires deliberation and planning by those parties involved in the restructuring process.
64. He has taken into account that the withheld information relates to three separate reports, covering different time periods, each assessing and rating Probation Trusts' state of readiness to proceed to transition. He accepts that, for each period, the reports – compiled from individual submissions - were important indicators of the current state of business and system readiness of the project.
65. In the Commissioner's view, Test Gate 3 - the latest in time of the three within the scope of the request - is potentially the most vulnerable to the effect of disclosure.
66. In forming a view on the balance of the public interest in this case, the Commissioner has taken into account the general public interest in the openness and transparency of MoJ as well as a range of public interest factors that apply in relation to the specific information in question:
 - He acknowledges that the information relates to an area of interest to those affected – not only staff and users of the service, but also members of the public with respect to the impact the programme has on the delivery of services that impact on public safety;
 - He accepts that there is public interest in avoiding potential disruption to an ongoing project, particularly one that represents a significant change to the way in which probation services are managed and delivered;

- The timing of the request – transition to the new structures was due on 1 June 2014, around the time of the request;
 - The Commissioner is aware that at the time of the request there were live ongoing issues and legal challenges to the project.
67. The Commissioner accepts that 'safe space' arguments are relevant in this case and the impact of disclosing the information on the processes set out in section 36(2)(b), whilst the project was still live, must be carefully considered.
68. The Commissioner appreciates the argument that there will be occasions when, in order that robust and appropriate decisions are made, decision-making will benefit from safe space. If that safe space for frank and free deliberations was not protected, the quality of decision making would be likely to be affected.
69. The Commissioner recognises that it would not be in the public interest if a less than frank reflection on the state of readiness led to the wrong decision being made.
70. The Commissioner also understands that there will be occasions when the need for a public authority to be able to receive and act on candid advice prevails over recognisably strong arguments in favour of disclosure.
71. The Commissioner has considered to what extent the public interest in the need to protect the safe space had diminished by the time of the request.
72. The Commissioner finds that the arguments MoJ has advanced about how disclosure would directly impact on future testing are unsubstantiated. For example, MoJ has advanced arguments about the impact of disclosure on individuals being willing to participate in future. However, the Commissioner considers this argument is weak, noting that there is no evidence, for example from previous gateway review disclosures, to support the claim that this is, or is likely to be, the effect of disclosure. In the Commissioner's view this reduces the likely severity of the inhibition resulting from disclosure.
73. The Commissioner also notes that comments are not attributed to individuals in the report and disclosure would therefore not expose those who contributed to close individual scrutiny and this lessens the severity of any inhibition that may follow.
74. The Commissioner has noted the dates of the reports in relation to the timing of the request and acknowledges that all three reports were complete by the time of the request.

75. As far as the first two reports are concerned, he considers that a significant amount of time had elapsed between their completion and the request. He considers the amount of time was reasonable to enable them to be considered and therefore the need for safe space to discuss them to have reduced significantly by the time of the request. The Commissioner also notes that the project was moving on to a different phase of transition at the time of the request.
76. He accepts that, in the case of the third report, considerably less time had elapsed. He therefore accepts that there is more weight to maintaining the exemptions for this report. Disclosure of this report, when it is more likely that it was still being considered and acted upon, would have impacted on a safe space needed to discuss and share views.
77. The Commissioner considers the timing of the request in relation to the withheld information relevant to the balance of the public interest in this case. He also considers that the subject matter of this information is a valid factor in favour of disclosure and of significant weight.
78. In his view, the public interest in disclosure is strong with respect to the particular information in question. Disclosure, at the time of the request, would have enabled the public to consider important recent assessments of the project. While the information was a snapshot in time, the public still have an interest in knowing what the state of the project was at that time and what information was being relied upon to make decisions about progression to the next stage of transition and ultimately to implementation.
79. The Commissioner has recognised significant public interests both in favour of and against disclosure.
80. Notwithstanding that, weighing up the opposing interests in this case, and factoring in the harm that could potentially arise through disclosure, the Commissioner has found critical the fact that the release of the disputed information could significantly aid public understanding and debate on a project that represents a major change to an important aspect of the way in which the criminal justice system operates.
81. The Commissioner has reminded himself that one of the purposes behind the FOI legislation is to allow the public to have access to the information that plays a role in the delivery of public services. This is on the basis that it will help promote accountability and the public's trust in the decision making process which flows from this.
82. The Commissioner accepts there is considerable public interest in the changes that are being made to the probation service and the impact

they may have on public safety. Flowing from this is the legitimate interest of the public having up to date information as to what is happening within the transition programme and in knowing that the proposed changes to the delivery of probation services have been properly considered and scrutinised.

83. The Commissioner considers that the public interest in disclosure is strong with respect to the particular information in question. Disclosure, at the time of the request, would have enabled the public to consider an important recent assessment of project, at a key stage of the project.
84. For the Test Gate 1 and 2 reports - the Commissioner finds that the public interest arguments in favour of maintaining section 36(2)(b)(i) and (ii) do not outweigh the public interest arguments in favour of disclosure.
85. For the Test Gate 3 report - the Commissioner finds that the public interest arguments in favour of maintaining section 36(2)(b)(i) and (ii) do outweigh the public interest arguments in favour of disclosure.

Section 40(2) personal information

86. Although comments in the report are not attributed to named individuals, the Commissioner has identified a small amount of information within the content of the withheld information in respect of which he has exercised his discretion to consider an exemption that was not relied upon by the MoJ – section 40(2).
87. Section 40(2) of the 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(3) or 40(4) is satisfied. In this case the relevant condition is contained in section 40(3)(a)(i). This applies where the disclosure of the information to any member of the public would contravene any of the principles of the Data Protection Act (DPA).
88. The definition of personal data is set out in section 1(1) of the Data Protection Act 1998 (DPA). This provides that, for information to be personal data, it must relate to an individual and that individual must be identifiable from that information.
89. Information will relate to a person if it is about them, linked to them, has some biographical significance for them, is used to inform decisions affecting them, has them as its main focus or impacts on them in any way.
90. Having viewed the withheld information, the Commissioner is satisfied that a small amount of the information constitutes personal data. He has

reached this conclusion on the basis that it relates to living individuals who may be identified from that data.

91. Having accepted that the information requested constitutes the personal data of a living individual other than the applicant, the Commissioner must next consider whether disclosure would breach any of the data protection principles.
92. The Commissioner considers the first data protection principle is most relevant in this case.

Would disclosure contravene the first data protection principle?

93. The first data protection principle states:

"Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless

(a) at least one of the conditions in Schedule 2 is met, and

(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met."

Would disclosure be fair?

94. In considering whether disclosure of personal information is fair the Commissioner takes into account the following factors:
 - the individual's reasonable expectations of what would happen to their information;
 - the consequences of disclosure (if it would cause any unnecessary or unjustified damage or distress to the individual concerned); and
 - the balance between the rights and freedoms of the data subject and the legitimate interests of the public.
95. The Commissioner acknowledges that the disputed information in this case relates to staff acting in a work related capacity. Nevertheless, in the circumstances of this case, the Commissioner is satisfied that the staff would have had a reasonable expectation that the withheld information, which constitutes their personal data, would not be disclosed to the public at large.
96. The Commissioner also considers that disclosure in this case would amount to an infringement into the privacy of the staff and has the potential to distress, particularly as he has found that disclosure of the information would not have been within their reasonable expectations.

97. Assessing fairness also involves balancing the individuals' rights and freedoms against the legitimate interest in disclosure to the public. Despite the reasonable expectations of individuals and the fact that damage or distress may result from disclosure, it may still be fair to disclose the requested information if it can be argued that there is a more compelling public interest in its disclosure.
98. The Commissioner accepts that legitimate interests include the general public interest in transparency. However he has not seen any evidence to indicate that there is a sufficient wider legitimate public interest in this case which would outweigh the rights and freedoms of the data subjects and support disclosure.
99. Taking all of the above into account, the Commissioner is satisfied that it would be unfair to the individuals concerned to release the requested information. Disclosure would not be within their reasonable expectations and the loss of privacy could cause unwarranted distress.
100. The Commissioner is therefore satisfied that the information is withheld under section 40(2) by way of section 40(3)(a)(i). The Commissioner has identified the information to be withheld in the Confidential Annex to this decision notice.

Right of appeal

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

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

Tel: 0300 1234504
Fax: 0870 739 5836
Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

102. 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.

103. 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

Steve Wood
Head of Policy Delivery
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF