

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

### **Decision notice**

**Date:** 30 April 2015

**Public Authority:** Melton Borough Council  
**Address:** Council Offices  
Parkside  
Station Approach  
Burton Street  
Melton Mowbray  
LE13 1GH

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

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1. The complainant has requested from Melton Borough Council ("the council") the information and any correspondence that was provided to the Commissioner by the council in the course of serving a decision notice on a previous request made by the complainant (FER0447142). The council considers that the exemption at 36(2)(b)(ii) applies to the information, as in the opinion of the qualified person, its disclosure would be likely to inhibit the free and frank exchange of views.
2. The Commissioner's decision is that the council has correctly applied section 36(2)(b)(ii) to the information, but that the public interest favours disclosure.
3. The Commissioner requires the council to take the following steps to ensure compliance with the legislation:
  - Disclose the withheld information with the exception of a small amount of information that has been disclosed to the complainant in response to a subject access request and which is therefore exempt under section 40(1) of the FOIA.
4. The council 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

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5. On 22 April 2014 the complainant made the following request for information under the FOIA for:

*"I am sure you will remember that in 2012 I requested some information from the council to help clarify some points related to the Core Strategy. This information was withheld by the council engaging the exception 12(4)(e).*

*In her letter to me of 29th November 2012, Laura Tomkinson, Senior Case Officer, (ICO), stated that the Information Commissioner considered that Regulation 12(4)(e) had been correctly applied and that the public interest was in favour of withholding the information.*

*The letter from Ms Tomkinson explained the conclusions that had been reached and referred briefly to information that had been supplied by the council to allow this conclusion to be reached.*

*I would be very grateful if you would send me a copy of the information and any correspondence which you supplied to Ms Tomkinson which she was able to use to allow her to consider our request for information and form her conclusion.*

*For clarity I do not need to see the supporting documents you supplied which were originally withheld and were the subject of the decision."*

6. The council responded on 19 May 2014 and refused to provide the requested information citing section 36(2)(b)(ii) as the reason for doing so.
7. At the complainant's request, the council then provided an internal review on 18 July 2014 in which it maintained its original position.

## Scope of the case

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8. The complainant contacted the Commissioner 14 October 2014 to complain about the way his request for information had been handled. He asked the Commissioner to consider whether the council was correct to withhold the requested information. During the course of the investigation, at the Commissioner's direction, the council provided the complainant with a small amount of information from within the withheld information which constituted his personal data under the subject access provisions of the Data Protection Act 1998 (the DPA). The Commissioner has made an assessment under the DPA in relation to this matter, and

as such he considers that this is therefore exempt under section 40(1) of the FOIA and has not been considered further here.

9. The Commissioner therefore considers the scope of this investigation to be to determine whether the council was correct to rely on section 36 to withhold the remaining information.

## **Background**

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10. On 29 November 2012, the Commissioner issued a decision notice regarding the council's application of regulation 12(4)(e) of the Environmental Information Regulations to a request made by the complainant for documents produced by the council in the course of the development of the Melton Local Development Framework (MLDF). The Commissioner found that the council was correct to withhold the information under regulation 12(4)(e).
11. The MLDF was intended to replace the council's current planning framework and would cover the period up to 2026. At the time of the previous request, the MLDF was with the Planning Inspectorate for approval. On the advice of the Planning Inspector the MLDF was withdrawn on 13 April 2013 and consultations on the new Melton Local Plan Issues and Options began on 6 October 2014. This is the preliminary stages of the new local plan and it is not expected to be adopted until May 2017.

## **Reasons for decision**

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### **Section 36**

12. Section 36 concerns the prejudice to the effective conduct of public affairs. Section 36(2)(b) provides that -
  - (b) *"Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act- would, or would be likely to, inhibit*
    - (i) *the free and frank provision of advice, or*
    - (ii) *the free and frank exchange of views for the purposes of deliberation."*
13. The application of section 36 requires that the "qualified person" within the authority considers the information and applies the exemption

personally. This task cannot be delegated to another person within the authority.

14. The Commissioner therefore asked the council to provide him with evidence that section 36 was applied by the qualified person, which it did. The qualified person within the council is the Chief Executive, Lynn Aisbett. Having viewed all the information and the submissions put forward in support of and against disclosure of the information, she recorded her opinion on the Commissioner's proforma.
15. The council provided the proforma completed by Ms Aisbett which described the factors and arguments that she had considered when reaching her decision that section 36 applied. The opinion was sought on 6 May 2014 and was given on 16 May 2014, before the council's response was provided to the complainant. The Commissioner is satisfied that the opinion was given by the appropriate qualified person.

*Was the qualified person's opinion reasonable?*

16. The Commissioner bases his understanding of the word "reasonable" on its plain meaning. The definition in the Shorter English Dictionary is "in accordance with reason; not irrational or absurd". For clarity, while an opinion that is absurd is not reasonable, that is not the same as saying that any opinion that is not absurd is reasonable. The opinion only has to be a reasonable one and this part of the exemption is therefore not a high hurdle. An opinion that a reasonable person could hold is a reasonable opinion. It does not have to be the only reasonable opinion that could be held, or the most reasonable opinion and the Commissioner does not have to agree with the opinion he only has to recognise that a reasonable person could be of that opinion.
17. The qualified person provided the complainant with the council's response to his request on 19 May 2014. She gave her reasonable opinion that disclosure of the council's submissions to the Commissioner in relation to the FER0447412 case would be likely to prejudice the free and frank exchange of views for the purposes of deliberation (section 36(2)(b)(ii)). She states that in this case the exchange of views is between the council and the Commissioner for the Commissioner's deliberation of the complaint he was considering. Ms Aisbett stated that confidentiality of the council's submissions ought to be maintained, particularly in view of the fact that the local plan process is still live and ongoing.

18. The Commissioner's guidance, "Prejudice to the effective conduct of public affairs (section 36)"<sup>1</sup> states at paragraph 46 that "The 'exchange of views' must be as part of a process of deliberation" and "'deliberation' refers to the public authority's evaluation of competing arguments or considerations in order to make a decision."
19. The Commissioner has therefore considered whether it was reasonable for the qualified person to conclude that disclosure of the withheld information falls would be likely to prejudice the exchange of views process , and so whether it engages the exemption at section 36(2)(b)(ii). The council's submissions to the Commissioner for the purposes of an investigation under the EIR could be considered as an exchange of views as the council is providing the Commissioner with its views as to the way it had handled a request for information and the applicability of the exception that they had applied. With regard to whether the exchange of views is for the purposes of deliberation, the Commissioner accepts that the information was provided to him for the purposes of him making a decision about whether the council had handled the request for information correctly.
20. Ms Aisbett explained to the complainant that it was her view that if he was to make a request to the Information Commissioner's Office (ICO) for the same information, it would be withheld under various exemptions such as section 30, investigations, section 31, law enforcement, section 32, court records and section 41, information provided in confidence. Ms Aisbett recognised that these could not be relied upon by any public authority which is supplying the information in question, but suggested that it demonstrated the status of the material requested. She said that she would not expect the Commissioner to disclose to the council the information the complainant had provided to the Commissioner during the course of the previous case. She considered that the publically available outcome of that case, the decision notice, sets out the relevant legal argument for reaching the decision.
21. In the internal review, the qualified person provided further explanation of her opinion. The complainant had stated in his request for an internal review that he considered that as the decision notice had been served and the case was no longer live, the information that had been provided in the course of the investigation was no longer confidential and could no longer prejudice the investigation. Ms Aisbett explained that the

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<sup>1</sup> [https://ico.org.uk/media/for-organisations/documents/1175/section\\_36\\_prejudice\\_to\\_effective\\_conduct\\_of\\_public\\_affairs.pdf](https://ico.org.uk/media/for-organisations/documents/1175/section_36_prejudice_to_effective_conduct_of_public_affairs.pdf)

submission to the Commissioner contained the council's legal argument in respect of the MLDF, and that it was likely that the council may have to reiterate those arguments in very similar circumstances as the new local plan goes through the approval process. She considered that the disclosure of the information would be likely to prejudice any similar argument which the council may need to make in the future. She reiterated that whilst the Commissioner's FER0447142 case and the MLDF are no longer live, the same essential planning matters are being revisited in the new local plan, and so the matter can still be said to be live. For example, the contentious issue of where new housing within the borough should go must be decided as part of the new local plan. She also advised that once the new local plan is accepted, then the planning issues may no longer be considered live, and at that time it may be possible to disclose the information.

22. The complainant also suggested to the council that the Commissioner's decision notice set out the council's arguments in support of its application of the regulation, and therefore that at decision notice stage, the requested information is no longer confidential. Ms Aisbett explained her view that the decision notice struck the balance for the public interest in what was disclosed. She also stated that the council's position was that if the public and public authorities thought that their legal submissions to the ICO would be disclosed in a way that would prejudice their interests, this would obviously inhibit or chill the frankness of any communications between the ICO and other parties.

23. Ms Aisbett further clarified her reasonable opinion stating that:

*"...the 'reasonable opinion' is that prejudice is likely to arise if the council is drawn into a repeat of the argument with MNAG [Melton North Action Group] and the ICO over internal communications in relation to the new local plan in a parallel manner to that over the Core Strategy, and we are unable to use our legal argument because its confidentiality has been compromised. That is the reason for the Disclosure Notice [sic – Decision Notice] being public as this gives the essence of the argument for the public interest and case law purposes, without disclosing specifics of our own position. As for probability, it is the council's view that it is a realistic possibility that we may need to revisit the argument before the new local plan is in place, as having received two ICO referrals with the Core Strategy, anticipating at least one such referral in relation to the new local plan would be sensible."*

24. The internal review also explains the qualified person's opinion that disclosure of the requested information at this time, with the core issues still essentially being live, would be to overturn the legal principle of equitable treatment of parties to a legal proceeding. Ms Aisbett considers that for the complainant to have access to the council's

submissions, without the affording the council access to his submissions, would undermine the principle of equitable treatment. Especially as the complainant had the option to see the submissions by appealing the outcome of the decision notice to the First Tier Tribunal (Information Rights) ("The Tribunal"), which he chose not to avail himself of.

25. Ms Aisbett stated that disclosure of the council's detailed submission to the Commissioner – before a new local plan has been passed – would be likely to prejudice the council's response to any similar FOI action taken against it. The Commissioner notes that the council officer has informed him in his submissions on this case that he considers that the disclosure of the information *would* prejudice the council's future defence to similar requests. However, it is for the qualified person alone to determine the applicability of section 36. Ms Aisbett has stated both in her responses to the complainant and on the proforma on which she recorded her opinion that the level of prejudice is *would be likely*. The Commissioner therefore considers that this is the level of prejudice being claimed by the council.
26. Ms Aisbett also stated at internal review that it was also possible that section 36(2)(c) applied as the broader considerations of the asymmetrical treatment of parties to legal proceedings would be likely to otherwise prejudice the effective conduct of public affairs.
27. The Commissioner considered the withheld information and the arguments presented by the qualified person in this case. The Commissioner acknowledges the fact that the council has had to restart its local plan process, and the issues and information which were at the heart of the previous case will more than likely be revisited in the course of the new local plan, which in turn are likely to result in further requests for similar information and then referrals to the ICO on the same topic. The Commissioner is satisfied that in the circumstances of this case, it was reasonable for the qualified person to conclude that disclosure of the information may hinder the council's ability to effectively handle any future referral to the Commissioner which the council may experience in the course of the new local plan process as officials would be likely to be inhibited in giving its view to the Commissioner. The Commissioner therefore accepts that section 36(2)(b)(ii) is engaged in this case.

### *Public Interest*

28. Having concluded that section 36(2)(b)(ii) is engaged in respect of the opinion that disclosure would be likely to have a significant risk of a chilling effect on the frankness of submissions to the ICO in any future similar cases, which are likely in the context of the new local plan process, the Commissioner has gone on to consider the public interest



test. Section 36 is a qualified exemption and therefore the Commissioner must consider whether in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

29. In *Guardian and Heather Brooke v the Information Commissioner and the BBC* (EA/2006/001 and EA/2006/0013), the Tribunal provided some general principles about the application of the public interest test in section 36 cases as follows:

- The lower the likelihood is shown to be that the free and frank exchange of views or provision of advice would be inhibited, the lower the chance that the balance of the public interest will favour the exemption.
- While the Commissioner cannot consider whether prejudice is likely (that is for the qualified person to decide), he is able to consider the severity, frequency or extent of any likely prejudice.
- Since the public interest in maintaining the exemption must be assessed in the circumstances of the case, the public authority is not permitted to maintain a blanket refusal in relation to the type of information sought.
- The passage of time since the creation of the information may have an important bearing on the balancing exercise. As a general rule, the public interest in maintaining the exemption will diminish over time.
- In considering factors against disclosure, the focus should be on the particular interest that the exemption is designed to protect, in this case the effective conduct of public affairs through the free and frank exchange of views.
- While the public interest considerations in the exemption from disclosure are narrowly conceived, the public interest considerations in favour of disclosure are broad ranging and operate at different levels of abstraction from the subject matter of the exemption.
- Disclosure of information serves the general public interest in promotion of better government through transparency, accountability, public debate, better public understanding of decisions, and informed and meaningful participation of the public in the democratic process.



*Public interest arguments in favour of disclosing the requested information*

30. The Commissioner considers that the 'default setting' of the FOIA in relation to the public interest is in favour of disclosure. Section 2 of the FOIA states that requested information may be withheld if the public interest in maintaining the exemption outweighs the public interest in disclosure. This infers that the public interest in withholding must be stronger than the public interest in disclosing. There is also an underlying assumption that disclosure of information held by public authorities is in itself of value because it promotes better government through transparency, accountability, public debate, better public understanding of decisions and informed and meaningful participation of the public in the democratic process.
31. In addition to the general principles of openness and transparency, the complainant has argued that the council's public interest test failed to take account of the fact that the main detail of the withheld information has already been made public in the form of the FER0447142 decision notice. His view is therefore that disclosure would not cause an adverse effect on the confidentiality or integrity of the Commissioner's inquiry process. He considers that as two years have elapsed since the decision notice, the public's confidence in the investigation system would not be threatened by disclosure. On the contrary, he suggests that the council's lack of transparency could itself cast doubt on the integrity of the Commissioner's process and therefore the public interest is in disclosure.
32. The complainant has also provided the Commissioner with the reasons for making the request. Whilst requests made under the FOIA should be treated as purpose and applicant blind, the Commissioner has considered the complainant's reasons here as arguments in support of the public interest in disclosure. The complainant is concerned that the FER0447142 decision notice portrayed him and MNAG *"as a small group of individuals who were potentially stirring up trouble and seeking information which may not be in the public interest"*.
33. He has provided a copy of the Planning Inspector's recommendation letter to the council regarding his consideration of the Melton Core Strategy. The complainant has pointed to extracts which he believes support his position that there was a strong public interest in the disclosure of the information he requested in FER0447142. These are that the Core Strategy attracted significant opposition at public consultation and a MNAG initiated petition against it secured 2,500 signatures; and that the Pre Hearing Meeting in December 2012 attracted a significant number of fundamental objections from local residents. The Commissioner considers that an appeal to the Tribunal would have been the proper arena for addressing any concerns about the application of the public interest test in the decision notice

FER0447142, but the complainant chose not to avail himself of that option. He doesn't give this argument strong weight but he does accept that matters that arose following the window of opportunity to appeal do create some weight in favour of disclosure.

34. The council has not put forward any arguments in support of the public interest in disclosure of the information. One of the main threads of the qualified person's reasonable opinion is that disclosure of the information would result in overturning the principle of equal treatment of parties to a legal proceeding. The council has therefore stated that it has found it difficult to find any public interest in overturning such a strong principle.

*Public interest arguments in favour of maintaining the exemption*

35. The council has explained that it considers that the information from within the withheld information that has been included in the FER0447142 decision notice is in sufficient detail to meet the public interest of ensuring that the Commissioner's process is fair.
36. The qualified person explained that she had considered the balance of the public interest and found that the weight of the public interest fell on the side of maintaining the confidentiality and integrity of the Commissioner's investigation process. She stated that this was because there was a need to safeguard the public confidence in the independence of the Commissioner and to ensure that the Commissioner is free from pressure, by private interests or other public sector organisations in reaching his decisions. She also considered that there was a public interest in ensuring the confidentiality and integrity of the Commissioner's inquiries as it is important in not prejudicing any referrals to the First Tier Tribunal (Information Rights) (the Tribunal).
37. As it is the council's view that disclosure of the information would set a legal precedent of overturning the principle of equal treatment, the qualified person explained that it was her belief that there would need to be an overriding public interest at a national level in order to set this, and the confidentiality and integrity of the Commissioner's inquiry process, aside. She stated that it was difficult to see that public interest in a local plan process at a two-tier shire district authority constitutes something of such magnitude that the workings of the ICO or the Tribunal should be bypassed or potentially prejudiced through a disclosure.

*Balance of the public interest*

38. It is worth highlighting for clarity that although the Commissioner must give weight to the qualified person's opinion, once he has accepted its

reasonableness, he is open to consider the severity, frequency and extensiveness of any prejudice that would be likely to occur.

39. The Commissioner finds that the council's arguments can broadly be classified as chilling effect arguments. Generally, these are concerned with the argued loss of frankness and candour in debate or advice, which, it is said, would lead to poorer quality of advice and less well formulated policy and decisions.
40. Timing is an important aspect of the chilling effect arguments. Both the Tribunal and the Commissioner consider that the chilling effect is strongest when it relates to an effect on the candour and frankness of advice and discussion on a live issue. The more general and wide ranging the chilling effect argued, the less weight can be attributed to the argument. In any case, civil servants and other public officials charged with giving advice are expected to be impartial and robust in discharging their responsibilities and not be deterred from expressing their views by the possibility of future disclosure.
41. The question of whether the requested information relates to a live matter is disputed between the council and the complainant. The council argues that the matter is live because although the decision notice was issued over two years ago and the Planning Inspector has reached his final decision regarding the MLDF, the local plan process is still not over. As the council is required to submit a new local plan, the process of developing, drafting and approving a local plan is still live. On the other hand, the complainant argues that the process surrounding the MLDF has ended and the decision notice itself was served some time ago. He would therefore consider that the matter is no longer live and so any chilling effect that might have existed is not diminished. The Commissioner recognises that the notion of whether the matter is live in this case is not clear cut. He finds that the specific documents and processes to which the withheld information relate are no longer live. However, he does accept that the general local plan issues are still live, and as some of the issues discussed in the withheld information relate to matters which will need to be debated and decided as part of the new local plan, there are parts of the withheld information which could be argued to be live.
42. The council has highlighted two main arguments that the disclosure of the requested information would lead to officers feeling inhibited in providing the Commissioner with their full and frank views regarding their handling of an information request. The first reason is that officers would be inhibited from using the same or similar arguments in response to future referrals to the ICO on similar matters. In the unique circumstances of this case, it does seem likely, or at least possible, that the council will receive similar request for information to that dealt with

in the case FER0447142. This is because the council now has to revisit the local plan process from scratch, and many of the contentious issues which prompted the request in the previous case remain to be decided in the new local plan process.

43. The Commissioner has viewed the FER0447142 decision notice alongside the withheld information and notes that there is a reasonable portion of the withheld information contained within the decision notice where the council's arguments in respect of the application of regulation 12(4)(e) have been outlined and discussed. The Commissioner also notes that some parts of the withheld information contain references to, or quotes from, the Commissioner's various guidance notes, Tribunal decisions and other decision notices. He also finds that it is common practice for public authorities to refer to arguments put forward in previous cases, and indeed the Commissioner often suggests to public authorities that it should consider previous decision notices when submitting its final arguments in a case. The Commissioner also notes that the information in this case does not contain any withheld information which was subject to the decision notice in FER0447142. He therefore considers that the extent to which council officers are likely to feel inhibited in exchanging views with the Commissioner is small. Many of the arguments put forward are collated from publically available information and tread well followed arguments. The Commissioner considers that the council's submissions in the previous case were not novel, and whilst they were of course specific to the circumstances of the case, this in itself was not a novel matter as government requires that each local planning authority should produce a local plan for its area.<sup>2</sup>
44. With regard to the specific circumstances of the case FER0447142, the Commissioner does give significant weight to the argument that disclosure of the council's submissions to the ICO would preclude it from using those same arguments in the future, particularly as much of the council's arguments are linked to the Commissioner's guidance, previous Tribunal decisions and decision notices. The Commissioner appreciates the council's concern there is a likelihood of similar requests, and that there is also a likelihood that similar information will be generated in the course of the creation of the new local plan, and therefore that there will be a need for a safe space for internal communications. However, it is difficult to accept that any future request for information and subsequent referral to the ICO will be so similar to the previous one that

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<sup>2</sup> National Planning Policy Framework, 27 March 2012  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

the council will be relying exactly on the information submitted previously. It is clear to the Commissioner that the new local plan process will be different as the Planning Inspector's view was that the previous local plan needed so many amendments that a new plan was the only viable option. Therefore, it is likely that the council will be required to tailor its responses to any new requests to the specific circumstances of that request.

45. The second reason given for officers feeling inhibited in future submissions to the ICO is that disclosing the information in this case would create a legal precedent of inequality of arms in parties to a legal dispute. The Commissioner's opinion on the matter is that disclosure of information in an FOI request would not create a legal precedent as it is for each public authority to decide on the merits of its own case and each set of circumstances whether it is right to disclose information or not. If the council had decided to disclose the requested information in this case, it would not then be bound to disclose any of its other submissions, or indeed any future submissions to the ICO. It would be free to make its own decision based on the circumstances of each separate request. Nor would its decision to release the information bind any other public authority to disclose its submissions to the ICO. Therefore the need for an overriding and national public interest in disclosure does not exist to the extent that the council suggests.
46. The Commissioner recognises the general principles of promoting better government through transparency, accountability, public debate, better public understanding of decisions and informed and meaningful participation of the public in the democratic process. He also recognises the complainant's argument that much of the withheld information will be in the public domain in the form of the decision notice and that since two years have elapsed, there is a limited risk that disclosure of any additional information will threaten the public's confidence in the Commissioner's investigation system. The Commissioner also considers that it is a valid view that withholding the information in these circumstances could cast doubt on the integrity of the process, and it could be argued that disclosure would therefore demonstrate to the public that the council submitted sufficient arguments and that the Commissioner reasonably and accurately reflects those arguments in his decision notices.
47. However, to counter that, the Commissioner also agrees with the council's view that the information contained within the FER0447142 decision notice is in sufficient detail to meet the public interest of ensuring that the Commissioner's process is fair. The fact that both parties to a decision notice have the right to appeal the notice to the Tribunal adds to the integrity of the process. If either party at the time had a genuine concern that the decision notice had not fairly reflected

the arguments submitted on either side, then they could ask the Tribunal to consider that matter. It is immaterial whether either party in this case availed themselves of that option. What is important in determining the public interest in this case is that the option exists and that any public interest in seeing the council's full submissions to the ICO is therefore limited to more general factors of the public understanding how the Council approached this case and in the context of new position that emerged in relation to the MLDF sometime after the decision notice was issued..

48. He agrees with the council to some extent that the disclosure of the requested information could inhibit officers from engaging in a full and frank exchange of views if they feared that the information could be disclosed to the complainant. He also accepts that there is a public interest in ensuring a safe space for public authorities to provide their full arguments to the Commissioner for his deliberation. However, he considers that this argument would be much stronger if the request was for the information to be disclosed during the course of the investigation or very soon after, and not two years after as is the case here. He acknowledges the unique circumstances of this case in terms of the likely relevance of the withheld information to future potential requests and complaints, but he is not sufficiently convinced that the public interest in withholding the information is strong as disclosure would not create the legal precedent feared by the council and would not preclude the council from using those arguments in the future. The Commissioner is minded to point out that the requested information in this case does not contain any withheld information from the case FER0447142.
49. On balance, given that the council has argued the lower threshold of *would be likely* rather than *would*, and the severity of harm is relatively low, the Commissioner finds that the arguments in favour of maintaining the exemption are not enough to overcome public interest factors in favour of openness. Therefore, whilst the Commissioner acknowledges that the public interest is not particularly strong on either side, he finds that the public interest in disclosing the information in this case outweighs the public interest in maintaining the exemption, and he therefore finds that the council was incorrect to withhold the requested information.

## Right of appeal

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

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

51. 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.
52. 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**  
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**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**