

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

### **Decision notice**

**Date:** 30 March 2015

**Public Authority:** Ministry of Defence

**Address:** Main Building  
Whitehall  
London  
SW1A 2HB

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

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1. The complainant submitted three requests to the Ministry of Defence (MOD) all of which sought to establish whether legal advice had been sought on particular aspects of the government nuclear weapons policy, and if advice was held, the title and author of the advice. The MOD refused to confirm or deny whether it held any information - and thus not comply with the duty contained at section 1(1)(a) - on the basis of sections 35(3) and 42(2) of FOIA.
2. The Commissioner has decided that although both exemptions are engaged, the public interest in maintaining each exemption does not outweigh the public interest in the MOD complying with the duty contained at section 1(1)(a) of FOIA in relation to each of the complainant's three requests.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Confirm or deny whether information falling within the scope of each of the complainant's three requests is held, and disclose or refuse to disclose any information identified in a manner which is compliant with FOIA.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Request and response

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5. The complainant submitted the following requests to the MOD on 27 April 2014 in order to establish whether legal advice had been sought on particular aspects of the government nuclear weapons policy, and if advice was held, the title and author of the advice<sup>1</sup>:

*'I should be grateful if you would provide me with the following information:*

### *Part 1*

- ✦ Has the UK government obtained a formal legal opinion on the legality of the threat or use of the UK's nuclear weapons following publication of the Advisory Opinion of the International Court of Justice on 'The Legality of the Threat or Use of Nuclear Weapons' dated 8 July 1996? <sup>2</sup>*
- ✦ If so, I should be grateful if you would advise me of the title of the relevant document / documents which present the opinion and the name of the organisation which prepared it / them.*

### *Part 2*

- ✦ Has the UK government obtained a formal legal opinion on the legality of plans to replace the UK's Trident nuclear weapons (as outlined in the White Paper 'The Future of the United Kingdom's Nuclear Deterrent', Cm 6994, December 2006)? <sup>3</sup>*
- ✦ If so, I should be grateful if you would advise me of the title of the relevant document / documents which present the opinion and the name of the organisation which prepared it / them.*

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<sup>1</sup> As is discussed below, these requests focus on the UK's obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The objective of the NPT is to prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament and general and complete disarmament. The NPT, of which the UK is a signatory, entered into force in 1970 and was extended indefinitely in 1995.

<sup>2</sup> <http://www.icj-cij.org/docket/files/95/7495.pdf>

<sup>3</sup>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/27378/DefenceWhitePaper2006\\_Cm6994.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/27378/DefenceWhitePaper2006_Cm6994.pdf)

*Part 3*

- ⤴ *Has the UK government obtained a formal legal opinion on the legality of plans to replace the UK's Trident nuclear weapons at any time since 6 May 2010, including as part of the 2010 Strategic Defence and Security Review, the 2010 Trident Value for Money Review, the 2013 Trident Alternatives Review, or any other deliberations.*
  - ⤴ *If so, I should be grateful if you would advise me of the title of the relevant document / documents which present the opinion and the name of the organisation which prepared it / them.'*
6. The MOD responded on 2 June 2014 and refused to confirm or deny whether it held the requested information on the basis of sections 35(3) and 42(2) of FOIA.
  7. The complainant contacted the MOD on 2 July 2014 in order to complain about its application of these exemptions.
  8. The MOD informed him of the outcome of its internal review on 15 August 2014. The review upheld the application of the two exemptions and confirmed that both exemptions were being relied upon to refuse to confirm or deny whether the MOD held information falling within the scope of any of the three requests.

**Scope of the case**

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9. The complainant contacted the Commissioner on 9 October 2014 in order to complain about the MOD's reliance on the exemptions contained at sections 35(3) and 42(2).<sup>4</sup>
  10. In relation to this complaint it is important to note that the right of access provided by FOIA is set out in section 1(1) and is separated into two parts: Section 1(1)(a) gives an applicant the right to know whether a public authority holds the information that has been requested. Section 1(1)(b) gives an applicant the right to be provided with the requested information, if it is held. Both rights are subject to the application of exemptions.
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<sup>4</sup> The complainant also submitted the same requests to Foreign Commonwealth Office (FCO). It refused the requests on the same grounds as the MOD. The FCO's response is the subject of another complaint to the Commissioner – see decision notice FS50557698.

11. As explained above, the MOD is seeking to rely on section 35(3), by virtue of section 35(1)(c), and section 42(2), to refuse to confirm or deny whether it holds information falling within the scope of all three requests. Therefore this notice deals only considers whether the MOD is entitled, on the basis of either of these exemptions, to refuse to confirm or deny whether it holds the information sought by the three requests. The Commissioner has not considered whether any of the requested information – if held – should be disclosed.

## **Reasons for decision**

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### **Section 42 – legal professional privilege**

12. Section 42 of FOIA states that:

*'(1) Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information.*

*(2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) in respect of which such a claim could be maintained in legal proceedings.'*

13. The MOD argued that section 42(2) was engaged in relation to the complainant's requests because complying with section (1)(a) would in itself reveal whether or not legal advice had been sought on these specific topics and the fact that advice may have been sought was itself privileged information. The Commissioner concurs with this analysis and accepts that the section 42(2) exemption is applicable.

#### *Public interest test*

14. However, section 42 is a qualified exemption and therefore the Commissioner must consider whether, in all the circumstances of the case, the public interest in neither confirming nor denying is greater than that in confirming or denying whether the information is held.

#### *Public interest arguments for maintaining the exemption*

15. The MOD argued that confirming or denying whether legal advice is held could prejudice fully informed decision making by the government because it would not allow the government to seek legal advice in private without fear of any adverse inferences being drawn from the fact that advice had (or had not) in fact been sought. By way of example, the MOD suggested that in issues where the government had sought

legal advice it could be construed that the government was unsure of its position. Therefore the MOD argued that by not complying with section 1(1)(a) ensured that the government is neither discouraged from seeking advice in appropriate cases, nor pressured to seek advice in inappropriate cases.

16. *Public interest arguments for confirming whether the requested information is held*

17. The complainant provided the Commissioner with detailed submissions to support his complaint. The Commissioner has summarised these below.

18. The complainant explained that the information he requested related to the UK's compliance with international law relating to nuclear weapons, and in particular the Non-Proliferation Treaty (NPT). He argued that the NPT is the most important international agreement relevant to nuclear weapons and has been signed by 190 states, including the UK. The complainant pointed to article IV of the NPT which stated that:

*'Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control'<sup>5</sup>*

19. The complainant also referred the Commissioner to the Advisory Opinion of the International Court of Justice of July 1996 on 'The Legality of the Threat or Use of Nuclear Weapons'. He noted that the International Court of Justice ruled unanimously that a threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter and that fails to meet all the requirements of Article 51, is unlawful. And that it found that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control, thus the complainant argued, reaffirming with the highest international legal authority the importance of Article VI of the NPT'.<sup>6</sup>

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<sup>5</sup> <http://www.un.org/disarmament/WMD/Nuclear/NPTtext.shtml>

<sup>6</sup> <http://www.icj-cij.org/docket/index.php?sum=498&code=unan&p1=3&p2=4&case=95&k=e1&p3=5>

20. The complainant also argued that proposals by the nuclear weapons states, including the UK, to maintain and prolong their nuclear weapons programmes have been criticised internationally as being incompatible with legal obligations under Article VI of the NPT. For example, the Non-Aligned Movement, representing 120 non-nuclear weapon states, said in its formal statement at a key international disarmament forum - the meeting of the preparatory committee for the 2015 Review Conference of the NPT on 28 April 2014:

*'The Group reaffirms, as also unanimously concluded by the ICJ, that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. The Group expresses grave concern at the continued activities by some nuclear-weapon States on nuclear-weapon related research and development, nuclear-weapon tests in alternative ways and the use of new technologies for upgrading the existing nuclear weapons systems or developing new types of nuclear weapons. The Group emphasizes that all such activities are in contradiction with the object and purpose of the Treaty and would jeopardize its integrity and credibility. Therefore, the Group strongly calls upon all nuclear weapon States to stop conducting any such activities'*<sup>7</sup>

21. The complainant argued that these views, with the force of a large majority of the world's nation states behind them, clearly raise the question of whether, in taking the decision to renew and extend its Trident nuclear weapons programme, the UK is in compliance with international law relating to nuclear weapons, and in particular Article VI of the NPT. Perhaps more importantly, the complainant argued that they are evidence of a perception among the majority of the world's governments that the UK may be in breach of its legal obligations.
22. Consequently, the complainant argued that there was a strong public importance, national and international, in ensuring that the UK complies with, and is unequivocally seen to be complying with, its legal obligations. Conversely, action which generates suspicion that the UK is evading its responsibilities in international law is damaging to the public interest. The complainant argued that release of the information requested in this case would help demonstrate that the UK takes its international legal obligations seriously and can, if necessary,

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<sup>7</sup> [http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/28APRIL\\_NAM.pdf](http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/28APRIL_NAM.pdf)

demonstrate that its nuclear weapons programmes comply with international law. He suggested that refusal to release this information can only add to concerns that the UK's nuclear weapons programmes may not comply with international law and that the government has taken a cavalier view of its legal obligations.

23. The complainant argued that there is a lack of transparency on the government's part regarding its basis for concluding that the decision to replace Trident is compatible with its legal obligations. He noted that this finding is stated in the 2006 White Paper 'The Future of the United Kingdom's Nuclear Deterrent'.<sup>8</sup> However, he argued that there was no evidence or argument presented in the Paper to support this conclusion. Nor, he argued, was it clear whether the views stated were derived from a properly considered legal opinion or were merely the opinion of the civil servants who drafted the paper. Furthermore it was not clear whether the statement in the Paper represented a comprehensive or selective view of the situation. Consequently, the complainant argued that the government's position, as outlined in the White Paper, lacked transparency both in its provenance and reasoning.
24. The complainant also argued that the MOD had failed to demonstrate how government decision making would actually be harmed by release of the requested information. Furthermore, the issue is no longer 'live', as key policy decisions on Trident replacement have now been taken.
25. Finally, the complainant explained that he had previously submitted a request to the FCO in which he had asked whether a legal opinion was held in relation to a similar matter regarding international policy and nuclear weapons relating to a treaty on nuclear weapons co-operation agreed in 2010 between the UK and France. The complainant explained that the FCO willingly confirmed that no such information was held rather than seeking to rely on either section 35(3) or 42(2) to refuse the request. The complainant noted that the MOD had argued in its internal review in relation to the request which is the focus of this complaint that each case needed to be considered on its merits, thus inferring that the FCO's previous response had no bearing on this case. However, the complainant argued that similar public interest arguments applied in both cases. He argued that disclosure of the fact that no legal advice was obtained prior to the 2010 UK–France treaty being signed did not

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<sup>8</sup> The Future of the United Kingdom's Nuclear Deterrent, paragraph 2-9

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/27378/DefenceWhitePaper2006\\_Cm6994.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/27378/DefenceWhitePaper2006_Cm6994.pdf)

subsequently result in a crisis in policy making within the FCO, and it should be concluded that the MOD was both exaggerating the risks of disclosure of the requested information and taking an inconsistent approach to policy.

*Balance of the public interest arguments*

26. Although the Commissioner accepts that there is a strong element of public interest inbuilt into legal professional privilege, he does not accept, as previously argued by some public authorities that the factors in favour of disclosure need to be exceptional for the public interest to favour disclosure. The Information Tribunal in *Pugh v Information Commissioner* (EA/2007/0055) was clear:

*'The fact there is already an inbuilt weight in the LPP exemption will make it more difficult to show the balance lies in favour of disclosure but that does not mean that the factors in favour of disclosure need to be exceptional, just as or more weighty than those in favour of maintaining the exemption'. (Para 41).*

27. Consequently, although there will always be an initial weighting in terms of maintaining this exemption, the Commissioner recognises that there are circumstances where the public interest will favour disclosing the information, or as in this case confirming whether or not legal advice is held.

28. In order to determine the weight that should be attributed to the factors in favour of disclosure the Commissioner will consider the following criteria:

- the number of people affected by the decision to which the advice relates;
- the amount of money involved; and
- the transparency of the public authority's actions.

29. The Commissioner recognises that any advice – if held – falling within the scope of request 3 may only have been sought relatively recently. Furthermore even though the advice sought by requests 1 and 2 is older, it seems reasonable to assume that any advice falling within the scope of all of these requests – if held - would still be 'live'. Although, as the complainant has argued, key policy decisions on replacing Trident have been taken, the continued operation of this weapons system and its compliance with the NPT is clearly an ongoing matter. Consequently, the Commissioner accepts that confirming whether or not the MOD holds any legal advice risks having a reasonably significant detrimental impact on the principle of legal professional privilege.



30. However, the Commissioner agrees with the complainant that comments in the 2006 White Paper do not make particularly clear basis on which the government has concluded that the decision to renew Trident is compatible with the UK's obligations under Article IV of the NPT. Furthermore, whilst the White Paper was subject to Parliamentary debate, such debates did not, as far as the Commissioner is aware, shed particular light on the compatibility of the decision to renew Trident and the UK's obligations under Article IV of the NPT. Confirmation as to whether or not the MOD holds information falling within the scope of request 2 (and for that matter request 3) would reveal whether the statement in the White Paper was based on legal opinion – as opposed to simply the views of civil servants.
31. The Commissioner accepts that it could be suggested that there is no obvious groundswell of widespread public concern amongst the UK population as a whole regarding Article IV of the NPT. Although strong criticisms of the UK's Trident programme and its compatibility with Article IV of the NPT can clearly be found, such concerns are arguably voiced most loudly by pressure groups and charities with an inherent interest in this subject matter. The Commissioner would therefore urge some caution in drawing too close a parallel between the subject matter under discussions here and, for example, the Iraq War, the domestic opposition to which was arguably more widespread or, at the very least, more publicly evidenced.
32. Nevertheless, in a broader context the Commissioner accepts that in light of the comments of the Non-Aligned Movement, there are clearly questions being raised at an international level about the legitimacy of the UK's stance regarding Trident and the NPT. Given the international interest and concern as to whether the UK's nuclear weapons policy complies with its obligations under the NPT, the Commissioner agrees that there is a compelling public interest in confirming whether or not the government holds legal advice on this issue, not least because, as the complainant suggests, the existence of such advice would demonstrate that the government takes responsibilities in international law seriously. Given the gravity of the issues, it follows that the absence of such advice would also mean that there is a compelling public interest in confirming that no such advice is in fact held.
33. Consequently, the Commissioner believes that there is a very weighty public interest in confirming whether or not the MOD sought legal advice on the three issues identified by the complainant's requests. Indeed, in the Commissioner's opinion, this public interest is sufficiently compelling for him to conclude, in the circumstances of this case, that the public interest in maintaining the exemption at section 42(2) does not outweigh that in confirming or denying whether the requested information is held.

## **Section 35 – Law Officers' advice**

34. Section 35(1)(c) of FOIA provides an exemption for information which relates to the provision of advice by any of the Law Officers or any request for the provision of such advice.
35. The Commissioner interprets the phrase 'relates to' broadly. This means that information does not itself have to 'be' Law Officers' advice or a request for Law Officers' advice. It will also be covered by the exemption if it recounts or refers to such advice or any request for it. For example, any discussions about how to react to Law Officers' advice will relate to that advice, and will be covered. In particular, any discussions about whether or not to seek Law Officers' advice will relate to the provision of advice and will be covered – even if in the end no such advice was sought.
36. Section 35(3) of FOIA provides:

*'The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1).'*
37. Therefore, a public authority may exclude itself from complying with section 1(1)(a) on the basis of section 35(3).
38. The MOD relied on section 35(3) by virtue of section 35(1)(c) to neither confirm nor deny whether it held any of the requested information, namely information about the UK government's acquisition of legal advice concerning the use of nuclear weapons.
39. The Commissioner notes that the requests did not specifically ask for confirmation as to whether the MOD held information concerning the provision of Law Officers' advice on nuclear weapons. Rather the requests were broader in scope, seeking only to establish whether the government sought legal advice on this topic.
40. Nevertheless, the Commissioner recognises that the core function of Law Officers is to advise the government on legal matters, helping ministers to act lawfully and in accordance with the rule of law. In particular he notes that the Cabinet Manual explains that it has normally been appropriate to consult the Law Officers in cases where 'the legal

consequences of action by the Government might have important repercussions in the foreign, EU or domestic fields'.<sup>9</sup>

41. Therefore the Commissioner accepts that if the MOD confirmed whether or not it held information falling within the scope of the requests then this would be likely to reveal whether or not the Law Officers had provided advice on the specific issues identified in the complainant's requests. Indeed, the MOD has implied this by the very act of applying the section 35(3) exemption by reference to section 35(1)(c), even though the requester did not raise the issue of Law Officers' advice.
42. Consequently, the Commissioner is satisfied that section 35(3) is engaged in relation to the complainant's three requests.

*Public interest test*

43. Section 35 is a qualified exemption and so the Commissioner must consider whether, in all the circumstances of the case, the public interest in neither confirming nor denying is greater than that in confirming or denying whether the information is held.

*Public interest arguments for maintaining the exemption*

44. The MOD emphasised that it was a long established convention that the government does not disclose whether or not the Law Officers have or have not advised on a particular issue.
45. It argued that confirming or denying whether such information is held could prejudice fully informed decision making by the government because it would not allow the government to seek legal advice in private from the Law Officers without fear of any adverse inferences being drawn from the fact that such advice had (or had not) in fact been sought. By way of example, the MOD suggested that in issues where the government had sought advice from the Law Officers it could be construed that the government was unsure of its position. Conversely, if the government was to reveal that it had not sought advice from the Law Officers on a particular issue, that in turn could be read as meaning that it did not consider the issue under discussion as being of sufficient importance as to warrant Law Officers' time. Therefore the MOD argued that by non-compliance with section 1(1)(a) ensured that the

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<sup>9</sup> The Cabinet Manual (1st edition October 2011) paragraph 6.6  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/60641/cabinet-manual.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60641/cabinet-manual.pdf)

government is neither discouraged from seeking advice in appropriate cases, nor pressured to seek advice in inappropriate cases.

*Public interest arguments for confirming whether the requested information is held*

46. As noted above, the complainant provided the Commissioner with detailed submissions to support his complaint and the majority of these submissions have been summarised above in relation to the discussions regarding the balance of the public interest test under section 42. However, the complainant also made the following points in relation to the application of section 35(3).
47. The complainant noted that the Commissioner's guidance on this exemption stated that the public interest in protect protecting Law Officers' advice may be overridden if there are particularly strong factors in favour of disclosure, citing Mr Justice Blake's view in the case of *HM Treasury v Information Commissioner & Evan Owen* [2009] that he could certainly 'contemplate, for example, that the context for the commencement of hostilities in Iraq was of such public importance that... the strength of the public interest in disclosure of the advice as to the legality of the war might well have out-weighed the exemption'. The complainant argued that there were similarities between the two cases: both related to the government's respect for international law over controversial security matters, and both relate to the UK's international reputation in being seen to comply with international law.
48. The complainant argued that if the Executive decided not to seek the advice of Law Officers on a matter of international relevance and has made decisions without the benefit of considered legal advice, there is a strong public interest in knowing this.

*Balance of the public interest arguments*

49. The Commissioner accepts that there will always be a strong public interest in neither confirming nor denying whether the government has obtained advice from the Law Officers in relation to an issue. The Commissioner recognises the weight the section 35(1)(c) exemption attracts from the way it has been drafted by Parliament – providing a specific exemption for a particular type of legal advice. That weight is reinforced by the convention of non-disclosure adopted by successive governments.
50. Furthermore, the Commissioner recognises that it would be impossible for the Law Officers to advise on every aspect of government policy that has legal implications, given the range of legal advice that government requires. If the government routinely disclosed occasions on which the

Law Officers had or had not given advice, that could give rise to questions as to why they had advised in some cases and not in others. This could put pressure on the government to seek their advice in cases where their involvement would not be justified. The risk of creating an impression that it is not confident of its legal position regarding a particular issue could also deter the government from seeking the Law Officers' advice in cases where their involvement would be justified. Consequently, the Commissioner accepts that confirming or denying whether such information is held creates a potential risk which could undermine effective government.

51. However, the exemption is not absolute, and the strong public interest in protecting Law Officers' advice may be overridden if there are particularly strong factors in favour of disclosure. Having considered both the MOD's and the complainant's submissions carefully the Commissioner is persuaded that this is such a case. For the reasons discussed above in relation to the public interest under section 42(2), the Commissioner considers there to be a very significant public interest in confirming in this case whether or not legal advice is held. In the Commissioner's opinion, given the subject matter, these arguments apply also to the question whether the Law Officers' were consulted.
52. Furthermore, as noted above, The Cabinet Manual suggests that it is normally appropriate to consult the Law Officers where 'the legal consequences of action by the Government might have important repercussions in the foreign, EU or domestic fields'. In the Commissioner's view the decision to renew Trident, and more broadly the compatibility of the government's nuclear weapons policy with the NPT, are issues which could correctly said to have the potential for international repercussions, (eg the criticisms voiced by the Non-Aligned Movement as referenced above). Consequently, it seems reasonable to expect the Law Officers to have been asked to provide legal advice on the issues which are the focus of the complainant's requests. To that extent, confirmation that information which falls within the three requests is held (if indeed that is the position) seems unlikely to have a significant impact on the process of good government. Conversely, the Commissioner agrees with the complainant that if the Law Officers were not consulted on such significant matters there is arguably a substantial public interest in revealing this.
53. The Commissioner has therefore concluded that, in the circumstances of this case, the public interest in maintaining the exemption at section 35(3) does not outweigh the public interest in the MOD complying with the duty contained at section 1(1)(a) in relation to each of the complainant's three requests.

54. Finally, given the strength of the public interest in confirming or denying whether any legal advice has been obtained, the fact that such advice may have been sought or obtained from the Law Officers should not operate so as to override that public interest and thus defeat the Commissioner's conclusions on the section 42(2) exemption. The MOD could comply with the duty under section 1(1)(a) of FOIA without explicit reference to the Law Officers at all.

## Right of appeal

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55. 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)

56. 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.
57. 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 .....**

**Graham Smith**  
**Deputy Commissioner**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**