

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 March 2019

Public Authority: Bournemouth Borough Council
Address: Town Hall
St Stephens Road
Bournemouth
BH2 6DY

Decision (including any steps ordered)

1. The complainant requested information from Bournemouth Borough Council ("the Council") relating to an investigation which may have been carried out by a former Chief Executive into the conduct of a councillor.
2. The Commissioner's decision is that the Council breached the time for compliance with the FOIA, since it did not respond to the complainant's request within 20 working days. However, she has found that the Council has correctly withheld the recorded information it holds under section 41(1) of the FOIA – information provided in confidence – and section 42(1) of the FOIA – legal professional privilege – respectively. She is also satisfied that no further recorded information relevant to the request was held at the date of the request.
3. The Commissioner does not require the Council to take any steps.

Request and response

4. On 11 April 2018, the complainant wrote to the Council to request information of the following description (numbers have been added for ease of reference):

"It was reported that Tony Williams, the former Chief Executive of Bournemouth Borough Council, submitted a letter on 7th March 2017 recommending that his post should be made redundant as a cost saving measure. I would therefore be grateful if you would provide the following:

- 1) A copy of the letter from Tony Williams recommending that his post should be made redundant.*

It was reported in the local media, prior to him being sent on 'gardening leave' on 16th March 2017 that he showed [redacted] a file relating to an investigation/complaint he was undertaking regarding [redacted].

- 2) Could you please provide details of this complaint and when the complaint was submitted.*
- 3) (a) Since there is no record of this complaint being lodged with the Standards Board could you please advise the reason for this? Who took the decision and when?*

OR

(b) If no complaint was received can you provide details of which Officers were advised that the Chief Executive was undertaking his own investigation into the Leader of the Council at a time when he had already suggested that he should be made redundant and the Council was working to that conclusion.

- 4) Can you confirm the matter being investigated by Tony Williams was drawn to the attention of the Monitoring Officer and if so what action she took, including if it was a breach of the Localism Act 2011, that they reported it to the relevant Authorities ie Dorset Police.*
- 5) As stated above it was reported in the local media that Tony Williams was sent on 'gardening leave' on 16th March 2017. Could you advise me who took that decision, when and is it in accordance with the Constitution and so under which section."*

5. On 5 June 2018, the Council responded as follows:

- Request 1 – it confirmed that a letter was held, but stated that it was exempt from disclosure under section 41(1) of the FOIA (information provided in confidence).

- Request 2 and Request 3(a) – it stated that the Council did not receive a formal complaint from Mr Williams regarding the relevant individual.
 - Request 3(b) – it stated that the Statutory Officers and Head of Internal Audit were aware that the former Chief Executive was making enquiries.
 - Request 4 – it confirmed that external legal advice was provided to the Monitoring Officer and former Chief Executive.
 - Request 5 – it stated that no information was held with regard to this request since Mr Williams had not been sent on 'gardening leave'.
6. The complainant requested an internal review on 7 June 2018. In particular he wished the Council to review the following responses:
- Request 1 – he disagreed that the letter would be exempt from disclosure under section 41(1).
 - Request 2 – he considered that the Council had not answered the request, explaining that he was seeking information about the complaint which was being investigated by Mr Williams *"into matters relating to [redacted]... [as to] who raised the objection and when"*.
 - Request 3 – he requested confirmation that this response would be unchanged in light of this clarification.
 - Request 4 – he requested further detail regarding any breach of the Localism Act 2011 and action in relation to this.
 - Request 5 – he suggested that, for complete clarity, the Council's response should indicate that Mr Williams was not sent on gardening leave on 16th March 2017, and explain why, if so, the Deputy Chief Executive was *"paid an Honorarium for acting as the Chief Executive from that date up to the end of the month"*.
7. The Council sent him the outcome of its internal review on 4 July 2018, as follows:
- Request 1 – it maintained its view that the letter was exempt from disclosure under section 41(1) of the FOIA, adding further explanations for this view. It explained that since the letter had been found to be exempt from disclosure under section 40(2) of the FOIA following a request for it made while Mr Williams, who had died since leaving the Council, was alive, it considered that it

had an obligation of confidence in relation to the letter, which is marked 'confidential', and stated that Mr Williams's personal representative would be able to enforce this duty of confidence.

- Request 2 – the Council clarified that it held no recorded information to suggest that a formal complaint had been received by Mr Williams in respect of the relevant individual.
- Request 3 – it confirmed that this response remained unchanged.
- Request 4 – the Council stated that the matter of enquiries being made by the Chief Executive was drawn to the attention of the Monitoring Officer; she and the Chief Executive received legal advice; no formal action was taken under the Localism Act at that point.
- Request 5 – the Council provided further detail which explained why the Deputy Chief Executive was paid an Honorarium and over which period.

Scope of the case

8. The complainant contacted the Commissioner on 11 July 2018 to complain about the way his request for information had been handled. Specifically, he remained dissatisfied with the responses to requests 1 and 2. He did not consider that the letter falling within the scope of request 1 would be exempt from disclosure under section 41(1). He also considered that the Council was likely to hold information about the complaint relevant to request 2 and when it had been submitted.
9. During the course of the investigation, the Council reconsidered the scope of request 2, which is fairly broad in nature: "*details of this complaint and when the complaint was submitted*". It identified an email with attached legal advice which had been sent to Mr Williams while he was in post. It considered that this would be exempt from disclosure under section 42(1) of the FOIA, due to legal professional privilege. It also provided explanations as to why no further information was held.
10. The following analysis covers whether, with regard to request 1, the Council has correctly withheld the requested letter under section 41(1) of the FOIA, and, with regard to request 2, whether it has correctly withheld the email containing legal advice under section 42(1) of the FOIA. It also covers whether any further information relevant to request 2 is held. Finally, the Commissioner has considered the time taken for compliance in this case.

Reasons for decision

Request 1 – letter from Mr Williams

Section 41(1) – information provided in confidence

11. Section 41(1) of the FOIA states that information is exempt from disclosure under the FOIA if–
 - (a) it was obtained by the public authority from any other person (including another public authority), and
 - (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

Was the information obtained from another person?

12. In this case, Mr Williams wrote to the Council in March 2017 regarding the issue of his post becoming redundant. That letter is the withheld information in question here. Since Mr Williams was in post as Chief Executive of the Council at this date, the Commissioner has considered whether he was writing in his role as part of the Council as a “body corporate”, or whether he was writing separately, as an individual.
13. The complainant has argued that Mr Williams, in writing the letter while in post as Chief Executive, should not be regarded as a separate legal person from the Council.
14. However, in previous cases, the Commissioner has determined that when an employee writes to their employer about employment matters, they may potentially be said to be writing as an individual; that is, as a separate entity from their employer.
15. While it is certainly the case that in many cases the actions of a council officer, and in particular, the Chief Executive, may be considered as being the actions of the Council as a whole, this is not necessarily the case when the actions pertain to both professional and personal matters, which may include writing to the organisation regarding the terms of employment, as is the case here.
16. The Commissioner notes that the letter was sent from Mr Williams’s home address, and was marked by him as being confidential. In the letter, he refers to the proposed actions of “the Council” in relation to himself and his position. In the Commissioner’s view, these facts indicate that he was writing in his personal capacity.

17. The Commissioner also notes that, while Mr Williams was still alive, a request for the relevant letter was previously made to the Council by a person other than the requester. In that case, the Commissioner's decision notice¹ found that the request was Mr Williams's personal data, and that the letter had been correctly withheld since it would be neither fair nor lawful to disclose it. Although that decision notice is at the time of writing under appeal to the First-tier Tribunal (information rights), the Commissioner's view remains that the letter was the personal data of Mr Williams while he was alive.
18. She therefore considers that this is a further indication that the letter was written by Mr Williams in his personal capacity, and not as part of the Council as a body corporate.
19. In the circumstances of this case, the Commissioner is satisfied that the Council received the information - that is, the letter - from another person.

Would disclosure constitute an actionable breach of confidence?

20. In considering whether disclosure of information constitutes an actionable breach of confidence the Commissioner will consider the following:
 - Whether the information has the necessary quality of confidence;
 - Whether the information was imparted in circumstances importing an obligation of confidence; and
 - Whether disclosure would be an unauthorised use of the information to the detriment of the confider.
21. The complainant has queried whether section 41(1) can be applied in circumstances where the provider of the information has since died.
22. The Commissioner has issued guidance in relation to requests for information about deceased persons². This makes clear that the exemption at section 41(1) of the FOIA may apply if the information was originally obtained from a deceased person.

¹ <https://ico.org.uk/media/action-weve-taken/decision-notice/2018/2259326/fs50700212.pdf>

² <https://ico.org.uk/media/1202/information-about-the-deceased-foi-eir.pdf>

23. Specifically, in *Brian Redman v Information Commissioner and Norfolk County Council* (EA/2012/0182, 13 November 2012)³ the Tribunal found that "actions for breach of confidence can survive an individual's death and be taken by personal representatives of the deceased person".
24. The Commissioner has therefore considered the three bullet points above in the context of the circumstances of this case.

Does the information have the necessary quality of confidence?

25. Information will have the necessary quality of confidence if it is more than trivial, and is not otherwise accessible.
26. The Council has argued that the information is not trivial since it relates to Mr Williams's employment. It has also explained that the information is held in Mr Williams's personnel file and is not generally accessible.
27. The Commissioner is satisfied that the information has the necessary quality of confidence.

Was the information imparted in circumstances importing an obligation of confidence?

28. The letter written by Mr Williams is headed "Confidential" and was addressed to a senior official working in Human Resources. The Council acknowledges that the letter impacted both Mr Williams's public and private life but argues that the confidential marking creates a clear expectation of confidence, and a legitimate expectation on Mr Williams's part that the letter would remain confidential.
29. The Commissioner's guidance, referenced previously, explains that an obligation of confidence may apply where the confider has attached explicit conditions to any subsequent use or disclosure of the information, or where the restrictions on use are obvious or implicit from the circumstances.
30. Although not every communication between an employee and their employer would automatically impart an obligation of confidence, it is more likely for this to be the case than not. In this case, and in view of the fact that the letter was headed "Confidential", the Commissioner is satisfied that an obligation of confidence attaches to the information.

3

<http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i888/20121113%20Decision%20FINAL%20EA20120182.pdf>

Would disclosure be an unauthorised use of the information to the detriment of the confider?

31. The Council has argued that the disclosure of the letter would be likely to result in distress to Mr Williams's surviving relatives. The Council has explained that this is not due to the contents of the letter itself. Rather, the Council's view is that to breach the obligation of confidence which is imposed in this case would, in itself, cause distress.
32. Paragraph 56 of the Commissioner's guidance, referenced previously, makes clear that case law has established that any invasion of privacy resulting from a disclosure of private and personal information can be viewed as a form of detriment in its own right.
33. In this case, the Commissioner agrees that the relatives and personal representatives of Mr Williams may suffer distress if an item from Mr Williams's personnel file were disclosed to the world at large, and she is satisfied that disclosure would therefore be to their detriment.

The common law duty of confidence and the public interest

34. While section 41 of the FOIA is an absolute exemption, and therefore not subject to the public interest test at section 2 of the FOIA, the common law duty of confidence contains an inherent public interest test. The test assumes that the information should be withheld, unless the public interest in disclosure outweighs the public interest in maintaining the duty of confidence.
35. The Commissioner considers that there is always a public interest in a public authority conducting its business in a transparent manner. This is heightened in a case where there is any evidence of any wrongdoing or efforts to cover up the reason for a course of action.
36. She is aware that the terms of, and reasons for, Mr Williams's redundancy were the subject of media speculation, although it is not the case that "in the public interest" equates to "matters of interest to the public".
37. Based on her analysis of the information and evidence, the Commissioner has not seen any evidence that the Council has sought to cover up the reasons for Mr Williams's post being made redundant. There is relevant information in the public domain about re-structuring at the Council and the sharing of services.
38. The Commissioner is not persuaded that there is sufficient public interest in the disclosure of the letter to outweigh the assumption that it should be withheld and her decision is that the Council has correctly withheld the letter under section 41(1) of the FOIA.

Request 2 – details of the complaint and when it was submitted

39. In this case, the Council located some information falling within the scope of request 2 which it has withheld under section 42(1) of the FOIA. It has stated that no information other than this is held. This notice considers the withheld information first and then whether, on the balance of probabilities, anything further is held.

Section 42(1) – Legal professional privilege

40. Section 42(1) of the FOIA states that information in respect of which a claim to legal professional privilege could be maintained in legal proceedings is exempt information.

41. Legal professional privilege was defined by the Information Tribunal in *Bellamy v the Information Commissioner and the DTI* (EA/2005/0023)⁴ (“Bellamy”) as:

“...a set of rules or principles which are designed to protect the confidentiality between the client and his, her or its lawyers, as well as exchanges which contain or refer to legal advice which might be imparted to the client, and even exchanges between the clients and [third] parties if such communication or exchanges come into being for the purpose of preparing for litigation.”

42. There are two types of legal professional privilege: litigation privilege and advice privilege. Litigation privilege applies to confidential communications made for the purpose of providing or obtaining legal advice in relation to proposed or contemplated litigation. Advice privilege applies where no litigation is in progress or contemplated.

43. In this case, the Council has confirmed that it considers the withheld information to be subject to legal advice privilege.

44. As explained in the Commissioner’s guidance on section 42 of the FOIA⁵, the Commissioner’s view is that legal advice privilege covers confidential

⁴http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i28/bellamy_v_information_commissioner1.pdf

⁵ https://ico.org.uk/media/for-organisations/documents/1208/legal_professional_privilege_exemption_s42.pdf

communications between client and lawyer made for the dominant purpose of seeking or giving legal advice.

45. The Commissioner has viewed the withheld information. It comprises an email from a firm of solicitors to the Council with an attached "Advice Note". The email and the Advice Note are marked "Confidential".
46. The Commissioner has reviewed the contents of the email and Advice Note, and is satisfied that the contents of the email and Advice Note comprise "legal advice". She is also satisfied that the information was intended to be confidential.
47. The Commissioner has considered whether this constitutes communication between a lawyer and their client and whether any legal privilege which would accordingly be attached to it has been lost.
48. The Advice Note, prepared by the firm of solicitors, is dated 20 March 2017 and is marked as having been prepared for "Mr Tony Williams, Chief Executive of Bournemouth District [sic] Council".
49. The email, dated the following day and attaching the Advice Note, is addressed to a different senior officer at the Council.
50. The Commissioner has therefore considered who is "the client". She is aware that Mr Williams was sent the Advice Note prior to its then being emailed to a different senior officer the following day. However, she is satisfied that Mr Williams, who was in post as Chief Executive at the time, requested the advice in his professional capacity as Head of the Council, as indicated by the way the Advice Note is addressed. She notes that the advice relates to Council matters and not to personal matters.
51. The complainant has expressed the view that there may have been a misuse of public funds if Mr Williams had sought legal advice in his personal capacity.
52. However, the Commissioner is satisfied in this case that the legal advice was provided to the Council, and that the Council is "the client".
53. She has determined that the information is communication between a lawyer and their client for the purposes of giving legal advice, and that, accordingly, legal privilege attaches to the information.
54. Since the Council was the client, there is no reason to consider in this case that the legal privilege was lost by the Advice Note being provided to Mr Williams and then subsequently emailed to another senior officer at the Council.

55. Neither is there evidence to suggest that the legal privilege attaching to the email and Advice Note has been lost by their being shared outside of the lawyer/client relationship; for example, outside the Council.
56. Consequently, the Commissioner considers that the exemption at section 42(1) of the FOIA is engaged, and she will go on to consider the public interest test.

Public interest test

57. Section 42 is a qualified exemption, and, as such, is subject to the public interest test as set out in section 2(2)(b) of the FOIA. In accordance with that section, the Commissioner must consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The complainant's view

58. As previously explained, the complainant queried whether Mr Williams may have sought the advice in his personal capacity; he considered that to have done so would be a misuse of public funds.
59. The complainant considers that it would be in the public interest to know whether the legal advice was obtained in respect of a matter which was being progressed by the Council; that is, the investigation into the named councillor.

The Council's view

60. The Council acknowledged that it is in the public interest to demonstrate that its decisions have been made on the basis of high quality legal advice. It stated that it recognised the importance of public confidence in the legality of decisions concerning issues such as investigations into alleged wrongdoing.
61. The Council also acknowledged that it is a matter of public interest that it is accountable for its actions.
62. However, it argued that it is important that the Council is able to obtain legal advice in a safe forum, conducive to a candid exchange of views and assessment of potential risks. It argued that it would not be in the public interest for the Council to fear obtaining legal advice in future.

The balance of the public interest

63. In *Bellamy*, the principal question which the Tribunal had to consider was whether it was in the public interest for the public authority to

disclose the information requested. Explaining the balance of factors to consider when assessing the PIT, it said:

"...there is a strong element of public interest inbuilt into the privilege itself. At least equally strong counter-vailing considerations would need to be adduced to override that inbuilt public interest".

64. In balancing the opposing public interest factors under section 42, the Commissioner considers it necessary to take into account this inbuilt public interest: that is, the public interest in the maintenance of legal professional privilege.
65. In her view, the general public interest inherent in this exemption will always be strong due to the importance of the principle behind legal professional privilege: to safeguard openness in all communications between client and lawyer in order to ensure access to full and frank legal advice. In her view, that principle is fundamental to the administration of justice and disclosing any legally privileged information threatens that principle.
66. In this case, therefore, the Commissioner considers that there is inherently a strong public interest in the exemption being maintained.
67. The Commissioner also recognises that additional weight may be added in favour of maintaining the exemption if the advice is recent and concerns a live issue. She notes that, while Mr Williams himself has passed away, the matter of the named councillor's conduct remains very much a live issue for the Council. While the initial police investigation has concluded, an independent inquiry has commenced, and local media continue to report actively on matters pertaining to the named councillor at the date of this notice.
68. However, although she considers there will always be an initial weighting towards maintaining the exemption, the Commissioner recognises that there are circumstances where the public interest will favour disclosing the information.
69. The Commissioner's guidance, referenced previously, states that additional weight may be added to the above factors in favour of disclosure if the following issues are relevant in the particular case:
 - large amount of money involved;
 - whether or not a significant group of people are affected by the advice or resulting decision;
 - lack of transparency in the public authority's actions;

- misrepresentation of advice that was given;
 - selective disclosure of only part of advice that was given
70. The named councillor's alleged wrongdoing is a wider issue which had the potential to affect local residents, and decisions taken in the Bournemouth area. However, the Commissioner's investigation is focused on the contents of the withheld information itself. The advice and email were provided to the Council at an early stage, when it was considering its next course of action. She is not persuaded that the Council has misrepresented the advice it was given, or is seeking to conceal the reasons for any subsequent decisions. She does not have evidence of wrongdoing by the Council with regard to its course of action over this matter.
71. Taking the above factors into consideration, the Commissioner's decision in this case is that there is no compelling wider public interest in the disclosure of the withheld information sufficient to outweigh the strong public interest inherent in legal professional privilege. Her decision is that the balance of the public interest in this case lies with maintaining the exemption.

Section 1 – was any further information held?

72. While the Council has stated that nothing other than the email and Advice Note was held with regard to request 2, the complainant has argued that the Council is likely to hold further relevant information. The Commissioner has therefore considered this under section 1 of the FOIA.
73. Section 1 of the FOIA states that states that:
- "(1) Any person making a request for information to a public authority is entitled—*
- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) if that is the case, to have that information communicated to him."*
74. In cases where there is a dispute over the amount of information held, the Commissioner applies the civil test of the balance of probabilities in making her determination. This test is in line with the approach taken by the Information Rights Tribunal when it has considered whether information is held (and, if so, whether all of the information held has been provided) in cases which it has considered in the past.

The complainant's view

75. The complainant has stated that it is a matter of public record that Mr Williams showed notes which he had made about the named councillor to another councillor, and to an Independent Auditor. He considers that, in light of the fact that Mr Williams evidently sought legal advice, it is inconceivable that the information he collated "*no longer exists*".

The Council's position

76. The Commissioner asked the Council to explain why no further relevant information was held and what searches had been carried out for relevant information.
77. The Council explained that it was aware that Mr Williams had been conducting informal enquiries into the conduct of a councillor before he left his post, and that he had made some notes. It was also aware that he had had preliminary discussions about his concerns with the Council's Legal & Democratic team.
78. The Council's position is that, on his departure from his post on 31 March 2017, Mr Williams may have personally retained any recorded notes relating to this matter. It has provided evidence that it contacted Mr Williams on the date of his departure, asking him to provide the notes to the Council, but explains that he did not do so. The Council apparently did not pursue him again for the information during the following weeks, and, at the end of April 2017, a police investigation was launched into the relevant councillor's conduct.
79. The Council states that the police enquiry then took precedence over any internal processes which it may have been considering setting in motion. It did not, therefore, ask Mr Williams again for the information to be brought to the Council.
80. Mr Williams passed away in March 2018, prior to the date of the request on 11 April 2018. By the date of the request, the whereabouts of any notes or other recorded information which he may have collated, relevant to this matter, were unknown to the Council.
81. The Council's position is, therefore, that the notes were not held, either by the Council or by any party on behalf of the Council, at the date of the request.
82. In any event, the Council has confirmed to the Commissioner that it has conducted enquiries and searches for any relevant information falling within the scope of the request.

83. Mr Williams's personal assistant, who, the Council explains, had full access to his emails, hard drive and office space, has confirmed that there is no evidence of any information relating to "the complaint" being held. The Council has also made enquiries of the Deputy Chief Executive and the Monitoring Officer, who, the Council argues, would be the most relevant officers likely to hold information relevant to the complaint if it existed, but these individuals have not located any relevant information. The Council has confirmed that it asked these officers to consider both electronic and paper files, but no relevant information has been located.

The Commissioner's decision

84. There is some evidence that Mr Williams prepared some notes about the conduct of the named councillor. The Commissioner has considered whether these were held by the Council at the date of the request. She has also considered whether anything further may be held.
85. In the Commissioner's view, it is likely that prior to his departure from the Council, Mr Williams held recorded information about the complaint; that is, the notes which he had apparently prepared. The Commissioner considers that if, as the evidence suggests, the notes existed, Mr Williams would have held them in his capacity as Chief Executive and she therefore considers that it is likely that the Council would, at this stage, have held some recorded information relevant to the complaint.
86. The Commissioner has seen evidence that on the date of Mr Williams's departure, as previously explained, the Council asked him to provide them to the Council. However, the Council's position is that Mr Williams failed to do this, either on that date or subsequently.
87. The Commissioner notes the Council's explanation that, due to the police investigation taking precedence, it did not again seek to obtain the notes. Its position is that, at the date of the request, it did not hold the notes.
88. The Commissioner has considered the searches and enquiries, as detailed above, carried out by the Council for any information – the notes or otherwise – falling within the scope of request 2.
89. The Commissioner notes that the Council has not conducted very broad searches for information captured by the scope of the request. However, in view of the sensitive nature of the enquiries that were evidently being carried out by Mr Williams, she accepts that the searches were adequate and appropriately-targeted, and likely to retrieve information if it was held. She therefore accepts that no further information was held by the Council at the date of the request.

90. The Commissioner is satisfied that, at the date of the request, the Council did not hold any recorded information relevant to request 2, save for the email and legal advice which have been withheld under section 42(1) and which have already been considered in this notice.

Section 10 – time for compliance

91. Section 1(1) of the FOIA states that any person making a request for information to a public authority is entitled (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and (b) if that is the case, to have that information communicated to him.
92. Under section 10 of the FOIA, a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt of the request.
93. In this case, the public authority failed to respond to the request within 20 working days and therefore breached section 10 of the FOIA.

Right of appeal

94. 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

95. 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.
96. 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

**Ben Tomes
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**