

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 October 2019

Public Authority: Cornwall Council

Address: County Hall
Treyew Road
Truro
TR1 3AY

Decision (including any steps ordered)

1. The complainant has requested details of job titles in the council where there is only one person carrying out the role. He also asked for information on job roles where there is no other person who carries out the job of deputy for that role. The council provided information on tiers one – three of its structure but refused to provide further information on the basis that the exemption in section 40(2) of the Act applied. As regards job titles where there is no deputy in place it refused the request on the basis that section 12 of the Act applied (personal data).
2. The Commissioner's decision is that the council was correct to apply section 12 to part 2 of the request, however it was not correct to apply section 40(2) to part 1. She has also decided that the council complied with section 16 of the Act.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - To disclose the information falling within the scope of part 1 of the request to the requestor.
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

5. On 24 December 2018, the complainant wrote to the council and requested information in the following terms:

"Please disclose all job titles at the Council where there is only one person that has that job title.

Please also let me know which of the requested job titles do not have any other person who carries out the job of deputy the relevant job.

Please disclose the above preferably by PDF and/or ordinary body of an email."

6. The council responded on 24 January 2019.
- In relation to the first part of the request it disclosed information relating to tiers one – three of its structure but refused to provide further information on the basis that the exemption in section 40(2) applied (personal data of third parties).
 - As regards the second part of the request it said that it does not hold this information in recorded form and would need to ask individual managers to obtain it. It said that if it was required to do this it would consider section 12 would be applicable.
7. The complainant requested that the council review its response to part 1 of the request. Following the internal review the council wrote to the complainant on 12 February 2019. It maintained its initial position, applying section 40(2) as regards part 1 of the request.

Scope of the case

8. The complainant contacted the Commissioner on 8 April 2019 to complain about the way his request for information had been handled.
9. During the course of the Commissioner's investigation the council applied section 12 to the second part of the request.
10. The Commissioner considers that the complaint is whether the council was correct to refuse to respond further to the request under the exemptions cited.

Reasons for decision

Section 12 – the appropriate limit

11. The council applied section 12 to the request for details of any job roles within the council where the requested job titles do not have any other person who carries out the job of deputy the relevant job.

Section 12(1) – Cost of compliance

12. Section 12(1) of FOIA states that:

'(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.'

13. The appropriate limit is set in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ('the Fees Regulations') at £450 for local government departments such as the council.
14. The Fees Regulations also specify that the cost of complying with a request must be calculated at the rate of £25 per hour, meaning that section 12(1) effectively imposes a time limit of 18 hours.
15. In estimating whether complying with a request would exceed the appropriate limit, Regulation 4(3) of the Fees Regulations states that an authority can only take into account the costs it reasonably expects to incur in:
 - determining whether it holds the information;
 - locating the information, or a document containing it;
 - retrieving the information, or a document containing it; and
 - extracting the information from a document containing it.
16. A public authority does not have to make a precise calculation of the costs of complying with a request; instead only an estimate is required. However, it must be a reasonable estimate. In accordance with the First-Tier Tribunal in the case of *Randall v IC & Medicines and Healthcare Products Regulatory Agency EA/2007/0004*, the Commissioner considers

that any estimate must be 'sensible, realistic and supported by cogent evidence'.¹

17. Section 12(1) is not subject to a public interest test; if complying with the request would exceed the cost limit then there is no requirement under FOIA to consider whether there is a public interest in the disclosure of the information.

The council's position

18. The council argues that whilst it has been able to locate and identify the information falling within part 1 of the request within an hour, as regards part 2 of the request it does not hold a central record of deputies for given roles.
19. It said that *"In order to establish this information, would involve accessing and searching the electronic records relating to those individuals identified in question 1, to then determine if they have another officer who deputises for that role in the person's absence, as a deputy may not have deputy in their job title, even though they officially are. In some instances, it may even take a review of an officer's role profile to establish whether their duties include the requirement to deputise for a manager which may only be on a very infrequent and ad-hoc basis. Additionally, in some cases, it would be up to the individual service manager to decide who would deputise for each role which would mean a manual exercise would have to be carried out (contacting individual officers and teams where appropriate)."*
20. It confirmed that a sampling exercise was carried out on random files and this determined that a time of approximately 30 minutes per file would need to be allocated for each of the 600+ roles it had identified falling within the scope of part 1 of the request. It therefore argues that this equates to approximately 334 hours of officer time to respond to the request.
21. Therefore it estimates that the total time it would take it to resolve part 2 of the request would greatly exceed the 18 hour time limit under section 12.

¹ <http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i136/Randall.pdf> - see paragraph 12

The Commissioner's conclusions

22. In her guidance on section 12² of the FOIA, the Commissioner explains that a public authority is not obliged to search for, or compile some of the requested information before refusing a request that it estimates will exceed the appropriate limit. Instead, it can rely on having cogent arguments and/or evidence in support of the reasonableness of its estimate.
23. In this case the council has provided both cogent arguments supporting its position, together with time estimates based upon a sampling exercise to demonstrate the accuracy of its timing estimates. Whilst the Commissioner considers that the 30 mins per file estimate may be excessive, she accepts that even if this were to be significantly reduced the request would be still likely to exceed the appropriate limit.
24. Taking everything into account, the Commissioner considers that the council has sufficiently demonstrated why it would exceed the appropriate limit under section 12 to comply with the request. She therefore accepts, for the reasons set out above, that compliance with the request would exceed the cost limit.
25. The Commissioner's decision is therefore that the council was correct to apply section 12(1) to refuse to respond to the request further.

Section 16 – duty to provide advice and assistance

26. Section 16(1) of the FOIA provides that a public authority should give advice and assistance to any person making an information request.
27. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section 45 code of practice in providing advice and assistance, it will have complied with section 16(1).
28. In effect the question is whether the council was under a duty to go back to the complainant to provide advice and assistance as to how to reduce the scope of his request so that it fell within the appropriate limit and a response could then be provided.
29. The council argues that it did not suggest to the complainant that he narrow his request to only encompass part 1 of the request given that its decision was that this information was exempt under section 40(2) of

²https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

the Act. It did however explain to the complainant that whilst it would be able to establish the information falling within the scope of part 1 of the request, this would be exempt under section 40(2).

30. The Commissioner accepts that under the circumstances this does provide a reasonable justification for the council not providing further assistance to the complainant in narrowing the scope of his request. Her decision is therefore that the council complied with the requirements of section 16.

Section 40 personal information

31. The council applied section 40(2) to part 1 of the request for information.
32. Section 40(2) of the FOIA provides that information is exempt from disclosure if it is the personal data of an individual other than the requester and where one of the conditions listed in section 40(3A)(3B) or 40(4A) is satisfied.
33. In this case the relevant condition is contained in section 40(3A)(a)³. This applies where the disclosure of the information to any member of the public would contravene any of the principles relating to the processing of personal data ('the DP principles'), as set out in Article 5 of the General Data Protection Regulation ('GDPR').
34. The first step for the Commissioner is to determine whether the withheld information constitutes personal data as defined by the Data Protection Act 2018 ('DPA'). If it is not personal data then section 40 of the FOIA cannot apply.
35. Secondly, and only if the Commissioner is satisfied that the requested information is personal data, she must establish whether disclosure of that data would breach any of the DP principles.

Is the information personal data?

36. Section 3(2) of the DPA defines personal data as:

"any information relating to an identified or identifiable living individual".

37. The two main elements of personal data are that the information must relate to a living person and that the person must be identifiable.

³ As amended by Schedule 19 Paragraph 58(3) DPA.

38. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.
39. Information will relate to a person if it is about them, linked to them, has biographical significance for them, is used to inform decisions affecting them or has them as its main focus.
40. The council argues that where an individual holds a particular job role within the authority then the identity of the post holder may either be publicly known already, or they would be identifiable from that information. In many cases the identities of officers in senior positions or in public facing roles may already be known to the public. Even where that is not the case, it would, in many cases, be relatively easy for a motivated individual to find out the identity of the post holder for that role.
41. The complainant disputes that this would be the case. He argues that the only officers who could be identified from job roles are those whose identities are already publicly available or are generally made public as a matter of course. He does not consider that the identity of individuals holding junior roles could be established from the disclosure of a job title where that information is not already publicly known.
42. The fact that one or more administrative assistant roles exist within a council department may be taken for granted. Whilst this is a junior role within an authority, where vacancies within the council exist, job adverts will specify both the job title and provide some degree of information on the role and job description involved with that role. The identity of any individuals carrying out that role may not be known publicly, but confirming that the role exists within the council as a whole would not add any further information which would aid a motivated individual in establishing the identity of the individual beyond that which is already available. However, confirming that only one person carries out that role in the council as a whole would potentially provide information on an individual which motivated individuals might seek to then identify – they have a specific job title, and now know that only one person within the authority holds that position.
43. Taking the above into account, the Commissioner does not agree with the complainant's view. She considers that if a job title is known, a motivated individual could be able to establish the identity of the post holder should they wish to do so, either by telephone calls directly to the person concerned, through telephone calls to other officers in the

council, or by writing to the person concerned. As the person in that role is an individual the information is therefore personal data.

44. The fact that an identifiable person holds a particular job role, and is the only person within the organisation who holds that role, is biographical information about that person.
45. In the circumstances of this case, having considered the withheld information, the Commissioner is satisfied that the information relates to identifiable individuals. She is satisfied that this information both relates to, and would provide information allowing the individual concerned to be identified. This information therefore falls within the definition of 'personal data' in section 3(2) of the DPA.
46. The fact that information constitutes the personal data of an identifiable living individual does not automatically exclude it from disclosure under the FOIA. The second element of the test is to determine whether disclosure would contravene any of the DP principles.
47. The most relevant DP principle in this case is principle (a).

Would disclosure contravene principle (a)?

48. Article 5(1)(a) of the GDPR states that:

"Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject".

49. In the case of an FOIA request, the personal data is processed when it is disclosed in response to the request. This means that the information can only be disclosed if to do so would be lawful, fair and transparent.
50. In order to be lawful, one of the lawful bases listed in Article 6(1) of the GDPR must apply to the processing. It must also be generally lawful.

Lawful processing: Article 6(1)(f) of the GDPR

51. Article 6(1) of the GDPR specifies the requirements for lawful processing by providing that "*processing shall be lawful only if and to the extent that at least one of the*" lawful bases for processing listed in the Article applies.
52. The Commissioner considers that the lawful basis most applicable is basis 6(1)(f) which states:

"processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and

*freedoms of the data subject which require protection of personal data, in particular where the data subject is a child*⁴.

53. In considering the application of Article 6(1)(f) of the GDPR in the context of a request for information under the FOIA, it is necessary to consider the following three-part test:-
- i) **Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information;
 - ii) **Necessity test:** Whether disclosure of the information is necessary to meet the legitimate interest in question;
 - iii) **Balancing test:** Whether the above interests override the legitimate interest(s) or fundamental rights and freedoms of the data subject.
54. The Commissioner considers that the test of 'necessity' under stage (ii) must be met before the balancing test under stage (iii) is applied.

Legitimate interests

55. In considering any legitimate interest(s) in the disclosure of the requested information under the FOIA, the Commissioner recognises that such interest(s) can include broad general principles of accountability and transparency for their own sakes, as well as case-specific interests.
56. Further, a wide range of interests may be legitimate interests. They can be the requester's own interests or the interests of third parties, and commercial interests as well as wider societal benefits. They may be compelling or trivial, but trivial interests may be more easily overridden in the balancing test.

⁴ Article 6(1) goes on to state that:-

"Point (f) of the first subparagraph shall not apply to processing carried out by public authorities in the performance of their tasks".

However, section 40(8) FOIA (as amended by Schedule 19 Paragraph 58(8) DPA) provides that:-

"In determining for the purposes of this section whether the lawfulness principle in Article 5(1)(a) of the GDPR would be contravened by the disclosure of information, Article 6(1) of the GDPR (lawfulness) is to be read as if the second sub-paragraph (dis-applying the legitimate interests gateway in relation to public authorities) were omitted".

57. The complainant argues that there is a legitimate interest in being able to establish roles where there is only one individual assigned to that role. He gave the example of trading standards officers, arguing that he understands that some authorities now only employ one individual in the role due to cutbacks within the council as a whole. He argues that the public has a legitimate interest in knowing that to be the case given the role trading standards officers have in protecting consumers and the public from unscrupulous traders.
58. The Commissioner has not been able to ascertain whether this point is correct, however she considers that the point, as made, does have a degree of merit. The complainant's argument is valid for roles more widely than trading standards officers – for instance roles involving public safety, such as building control officers, public health and hygiene issues such as food safety officers, and environmental safety officers. A disclosure of the requested information could aid in bringing to light any significant lack of coverage for such roles. This might allow the public to understand where or why delays in the provision of services are occurring or where weaknesses in the provision of important services are. Any disclosure which identifies a shortage of employees in particular roles is therefore of public value. The request would obviously not catch situations where there were only two officers in a given role but, where more may still be needed in order to meet a particular public authority function.
59. The council accepts that releasing the information would allow the public to understand job roles where only one person is responsible for that particular role. However, it argues that it does not appear to be a request in relation to a particular ongoing issue, or situation, which may have increased the reasons for the complainant knowing this information, and therefore its purpose is diminished.
60. The Commissioner however accepts the complainant's argument that there is a legitimate interest in the disclosure of the requested information.

Is disclosure necessary?

61. 'Necessary' means more than desirable but less than indispensable or absolute necessity. Accordingly, the test is one of reasonable necessity and involves consideration of alternative measures which may make disclosure of the requested information unnecessary. Disclosure under the FOIA must therefore be the least intrusive means of achieving the legitimate aim in question.
62. The council argues that the Council's general policy is to redact names of officers below Head of Service level. In terms of information that is published in relation to senior officers, it argues that it publishes

detailed information on the names and job titles of service directors and above, as well as being able to provide details of Head of Service in most cases. It says that these could be provided to the requestor. It argues however that it is not necessary for it to provide further information in respect of more junior officers.

63. The Commissioner considers that a disclosure of information held in respect of part 1 of the request is necessary in order to meet the legitimate interest which has been identified. The public has a legitimate interest in being able to identify issues such as those highlighted by the complainant as regards individual employees carrying out important roles. Without the information necessary to establish any roles which only have one person in place it would be impossible to identify areas where risk may exist. This requires information on more junior officers whose role is more likely to encompass actually carrying out assessments such as public health inspections. A disclosure of the heads of service alone would not aid in identifying specific personnel issues within the authority such as this.
64. The Commissioner must be clear that in stating this, she has not sought to identify whether there are any potential risks within this particular authority. Such an assessment does not form part of her role. She considers that, overall, only through a disclosure of the requested information could such risks be potentially be identified by the public in any particular local authority.
65. The Commissioner has therefore decided that a disclosure of the information is necessary in order to meet the legitimate interests highlighted by the complainant's arguments.

Balance between legitimate interests and the data subject's interests or fundamental rights and freedoms

66. It is necessary to balance the legitimate interests in disclosure against the data subject's interests or fundamental rights and freedoms. In doing so, it is necessary to consider the impact of disclosure. For example, if the data subject would not reasonably expect that the information would be disclosed to the public under the FOIA in response to the request, or if such disclosure would cause unjustified harm, their interests or rights are likely to override legitimate interests in disclosure.
67. In considering this balancing test, the Commissioner has taken into account the following factors:
 - the potential harm or distress that disclosure may cause;
 - whether the information is already in the public domain;
 - whether the information is already known to some individuals;
 - whether the individual expressed concern to the disclosure; and

- the reasonable expectations of the individual.

The potential harm and distress

68. The council argues that a disclosure of the information would potentially allow a motivated individual to identify specific officers within the authority. It argues therefore that a disclosure would impact upon the privacy of those individuals, and could potentially cause distress if those individuals were then subject to unwanted contact or public criticism.
69. The Commissioner has considered this argument. There is a significant difference in the strength of the arguments for non-disclosure between information relating to an individual's public life, and their private life. A job title specifically relates to their public life, and work role.
70. There would be an obvious risk to the privacy of the individuals where their role does not normally involve disclosing their identities or job titles to members of the public, however in the absence of other circumstances a disclosure of a job title alone would not shed any further light on the individual concerned.
71. The council argues that there is a risk to the individuals involved. It argues that previous decision notices issued by the Commissioner have highlighted cases where specific officers have been personally targeted or harassed once their names have been put into the public domain. It clarified that whilst it has no particular concerns with this requestor, it considers that it must remain mindful that the request will be deemed as being made available to the wider public at large and therefore there is the possibility of others seeing and using the information for their own means and purposes.
72. The council argued that it has previously received unrelated requests in the past asking for specific junior officer names which it has not released. It said it cannot therefore rule out an unrelated requestor could use information relating to this request for their own means, purposes and agenda. The Commissioner considers that this is a relatively weak argument however. Presumably where such requests have been received, the requestor would have some way of identifying the relevant individual, such as their job title or job role in order for the requestor to be able to specify the individual whose identity they were requesting.
73. The complainant argues that:

"For junior staff with public facing roles, the information on their identity is already likely to be in or have reached the public domain and, in practice, someone ringing the Council or in contact with the employee would be told their name. It's unlikely therefore that this information is

unexpected to be put into the public domain. It will not be intrusive, will not cause distress, is most likely willingly told to the public by the individual staff themselves, routinely and expectingly [sic] by staff in the normal course of Council business all the time. If there is anyone at the Council is who truly unknown through having no public facing role at any time, a motivated individual (unlikely to exist as what more are they getting - just the fact that someone does a job?) will not be able to get hold of their identity (or not their identity that is unknown as part of their job that has no public facing role), because telephone calls would never be put through to them and no member of Council staff would ever tell a caller the name of the unknown person. If another employee would tell them their name, and thus disclose it to the public, this disclosure must not be truly unexpected and therefore it is unlikely it would be unfair."

74. The Commissioner understands the complainant's argument, but recognises that there are roles and situations where this may not be the case. For instance, if a department, or a team within a department is targeted, knowing the identity of the administrative officer within that department may result in them being targeted for harassment or undue contact or criticism purely because of their role on the team. This is however unlikely other than in specific circumstances, and as the complainant suggests, if the junior officer does have a public facing role, such as answering the telephone to the public generally, it would be likely that their identity is already disclosed on a regular basis.
75. The Commissioner recognises that even if there is more than one individual carrying out that role, motivated individuals might still seek to identify one or more of those individuals to use that information for their own purposes.
76. Having considered the above arguments the Commissioner has not been persuaded by the council's argument that there is a significant risk to individuals by the disclosure of job titles alone in the circumstances of this particular case. The council has provided no, or no convincing, extenuating circumstances which would lead to the disclosure of job titles being distressing to the individuals concerned in these circumstances, and the potential loss of privacy would be limited.

Is the information already in the public domain or known to some individuals?

77. The job titles alone are likely to be in the public domain, or easily established. Where vacancies exist within an authority these will have been publicised previously and job descriptions will have been provided.
78. What may not be potentially publicly known, is the fact that there is only one job role of that description within the authority. It is clear that in some senior roles this would however be known.
79. As noted above, there may be a few roles where individuals working within those roles do not have direct contact with the public as a matter of course. For these individuals their job titles, and in particular, their identities, may not be publicly known.

Whether the individual expressed concern to the disclosure

80. The council has said that it has not sought the consent of the individuals to the disclosure of their job titles as, given the number of staff that would need to be consulted, and previous decisions confirming that it is not appropriate to release the information at hand, it was not felt appropriate.
81. The council referred to a previous decision notice (FS50454834)⁵ issued by the Commissioner where the decision was that job titles where only one such role exists should be exempt under section 40(2) of the Act. The Commissioner notes, and the council accepts, that there were extenuating circumstances in that case which had an effect on the final decision which was made.

The expectations of the individuals

82. The Commissioner has considered the expectations of the individuals concerned. This is a difficult issue for the Commissioner to assess given the wide range of the potential roles involved.
83. In the Commissioner's view, a key issue is whether the individuals concerned have a reasonable expectation that their information will not be disclosed. These expectations can be shaped by factors such as an individual's general expectation of privacy, whether the information relates to an employee in their professional role or to them as individuals, and the purpose for which they provided their personal data.

⁵ <http://www2.bailii.org/uk/cases/UKICO/2012/FS50454834.pdf>

84. As stated, the council argues that its general policy is to redact names of officers below Head of Service level. It might therefore be argued that below this level, officers' expectations that their name might be disclosed would be lessened. In general, however, there are two factors which affect this expectation. Officers in senior and public facing roles will have their identities disclosed as part of their role within the council on a regular basis, even where they are not heads of service. Their expectations will be tempered by the role which they undertake for the council. More junior officers will also provide details of their roles and job titles, and even their identities where they regularly have contact with the public via correspondence etc. Whilst they may not always expect their identities to be disclosed as a matter of course, they will generally expect that they may be identified during the course of their roles.

85. The Commissioner has also considered the nature of the information requested. Identities of specific individuals have not been requested – only job titles where there is only one person. Although those individuals may subsequently be identifiable by motivated individuals, a job title alone would not be particularly sensitive information unless there are extenuating circumstances. As stated, the central point of consideration is that job titles and roles within a council would be relatively easily established, and job titles and descriptions would have been published where vacancies within those roles have occurred previously. Additionally the individuals would not be in a position to dictate the release of their job titles to the public – effectively they would expect the council to release that information as and when they required, for instance, to advertise a vacancy for that role within a council department.

Conclusions

86. In conclusion, the Commissioner accepts that there is a legitimate interest in the public being able to establish job roles where there is only one person appointed to that role. No specific risks to individuals associated with the disclosure of their job titles has been identified by the council in this case.

87. The requested information is only job titles, not the identities of individuals within those roles. The council's argument regarding the potential for harassment has merit, however they fail to take into account the likelihood that where individuals have had previous contact or knowledge of particular council officers they are likely to know the identity of the officer, or, at the least, their job title, or both. The council has also failed to provide sufficient evidence as to why a disclosure of this information might cause distress to the individuals in the roles which would be disclosed in this case.

88. The Commissioner considers that where there are exceptional circumstances surrounding particular requests this may change this balance towards withholding this information. However in the absence of evidence of such circumstances in this case, the Commissioner has not been persuaded that the legitimate interest in the disclosure of the job roles requested in part 1 of this request is outweighed by the rights of the individuals concerned.
89. Based on the above factors, the Commissioner has determined that there is sufficient legitimate interest to outweigh the data subjects' fundamental rights and freedoms. The Commissioner therefore considers that there is an Article 6 basis for processing and so the disclosure of the information would be lawful.

Fairness and transparency

90. Even though it has been demonstrated that disclosure of the requested information under the FOIA would be lawful, it is still necessary to show that disclosure would be fair and transparent under the principle (a).
91. In relation to fairness, the Commissioner considers that if the disclosure passes the legitimate interest test for lawful processing, it is highly likely that disclosure will be fair for the same reasons.
92. In this case a disclosure of the information in question is job roles, together with the fact that only one person holds that role within the authority. Job roles themselves are not personal data, and therefore a disclosure of the fact that the role exists within an authority would be fair. Clearly the authority would expect to be able to disclose information about the job roles it has within the authority as and when it needs to and anyone within those roles would expect as such. For instance, advertising a vacancy in that role would obviously require a public confirmation that the role exists within the authority. As regards the disclosure of the fact that only one person holds that role, the Commissioner has considered above how this would meet the legitimate interests she has identified, and therefore the disclosure would be fair under the circumstances surrounding this request for information.
93. The requirement for transparency is met because as a public authority, the council is subject to the FOIA, is accountable to the public and it is clear that information on job roles and information surrounding this will need to be disclosed as part of the council's normal day to day business.

The Commissioner's view

94. In this instance, the Commissioner has decided that the council has failed to demonstrate that the exemption at section 40(2) is engaged.

Right of appeal

95. 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@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

96. 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.

97. 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

Andrew White
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