

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 December 2020

Public Authority: Financial Conduct Authority
Address: 12 Endeavour Square
London
E20 1JN

Decision (including any steps ordered)

1. The complainant has requested information about a particular company. The Financial Conduct Authority ("the FCA") provided some information, stated that it held no information in respect of one part of the request, withheld some information and refused to confirm or deny whether any further information was held. At various points the FCA relied on sections 31, 43 and 44 of the FOIA.
2. The Commissioner's decision is that the FCA was entitled to rely on section 44 to withhold information in the manner that it has. She also finds that it was entitled to rely on section 31(3) of the FOIA to neither confirm nor deny holding information within the scope of part of the request. Finally, the Commissioner finds that the FCA's considerations of the public interest test were completed within a reasonable timeframe however, because the refusal notice it subsequently issued did not cite all the exemptions on which the FCA later came to rely, it breached section 17 of the FOIA.
3. The Commissioner does not require any further steps to be taken.

Request and response

4. On 8 December 2019, the complainant wrote to the FCA and, referring to a particular company ("the Company") requested information in the following terms:

"In reference to [the Company] I would like to see the following:

- [1] The Annual fees that this company pays the FCA for membership*
- [2] The fines in which this company has paid over the past 10 years through breaching FCA rules*
- [3] The reasons for which in point 2 of what rules have been breached in the past 10 years*
- [4] The number of FCA investigations made against them over the past 10 years*
- [5] The reasons for which in point 4 of what types of investigations over the past 10 years*
- [6] Policy statement for why a consumers complaint against [the Company] to the FCA cannot be reviewed and followed through and concluded to the consumer*
- [7] When will Megan Butlers statement 18/07/19 to the FT Advisor for 'FCA to consider redress scheme for DB advice consumers investigation' will take affect by policy?" [sic]*

5. The FCA responded on 6 February 2020. In relation to element [1], it withheld the requested information, relying on section 44 of the FOIA (statutory bar) to do so. It denied holding relevant information within the scope of either element [2] or element [3]. It neither confirmed nor denied holding information within the scope of elements [4] and [5], relying on section 31(3) of the FOIA (law enforcement) to do so. It provided some generic information in respect of both elements [6] and [7].
6. The complainant sought an internal review on the same day and challenged the FCA's responses to elements [1], [4], [5] and [7] of the request. The FCA's internal review was completed on 30 March 2020. The FCA noted that the information it had withheld in respect of element [1] of the request would also be exempt under section 43(2) of the FOIA (commercial interests). It maintained its previous responses to elements [4] and [5] of the request. Finally, it explained that it now wished to

neither confirm nor deny holding information within the scope of element [7] of the request and relied on section 31(3) of the FOIA to do so.

Scope of the case

7. The complainant first contacted the Commissioner on 15 May 2020 to complain about the way his request for information had been handled.
8. At the outset of her investigation, the Commissioner wrote to the complainant and set out her provisional view that the FCA had correctly relied upon section 44 of the FOIA. She also noted that, based on previous cases, the FCA would be entitled to rely on section 31(3) of the FOIA to neither confirm nor deny holding information within the scope of elements [4] and [5]. In respect of element [7], she reserved her judgement as she was somewhat unclear as to the exact information being sought.
9. The complainant responded to explain the information he was attempting to seek via element [7] of his request. He broadly accepted the Commissioner's preliminary view in relation to the remaining aspects of the request.
10. When the Commissioner commenced her investigation, in line with her usual practice she informed the FCA that, whilst it was entitled to change its reliance on exemptions at any time, it must inform the complainant of any new exemptions being applied.
11. The FCA provided its submission on 11 December 2020. It now explained to the Commissioner that, in addition to the previously-cited exemptions, it also wished to rely on section 43(3) of the FOIA to neither confirm nor deny holding information in respect of elements [4], [5] and [7].
12. Given the conclusions set out below in relation to sections 44 and 31(3) of the FOIA, the Commissioner felt that she did not need to look at section 43. The Commissioner was presented with no evidence to demonstrate that a fresh refusal notice had been provided to the complainant, but she considered that requiring the FCA to issue one at such a late stage would only serve to delay the complainant from receiving a decision. In the interests of justice and fairness to all parties, the Commissioner has therefore decided that, whilst she had originally agreed to restrict the decision to element [7] of the request only, she will make a decision in respect of all the elements of the request that the complainant challenged in his internal review (ie. elements [1], [4], [5] and [7]).

13. The scope of the Commissioner's investigation has been to determine whether the FCA was entitled to rely on sections 44 and 31(3) of the FOIA in the manner that it has.
14. For the avoidance of doubt, the Commissioner did not seek, from the FCA, any information that had been withheld or any statement as to its true position in respect of the elements of the request where it had neither confirmed nor denied holding information. Nothing in this decision notice should be taken as indicating that the FCA does or does not hold information within the scope of elements [4], [5] and [7].

Reasons for decision

Element [1]

15. Section 44(1) of the FOIA states that information will be exempt from disclosure under the FOIA if its disclosure would otherwise be prohibited by another piece of legislation.
16. The FCA argued, in its initial response, that information falling within the scope of element [1] would fall within the definition of "confidential information" for the purposes of the Financial Services and Markets Act 2000 (FSMA). As disclosure of confidential information, by an FCA employee, would be a criminal offence under FSMA, the FCA argued that there was a statutory bar on disclosure of the information and thus section 44 of the FOIA would be engaged.
17. Section 348 of the FSMA states that:
 - (1) *Confidential information must not be disclosed by a primary recipient, or by any person obtaining the information directly or indirectly from a primary recipient, without the consent of—*
 - (a) *the person from whom the primary recipient obtained the information; and*
 - (b) *if different, the person to whom it relates.*
 - (2) *In this Part "confidential information" means information which—*
 - (a) *relates to the business or other affairs of any person;*
 - (b) *was received by the primary recipient for the purposes of, or in the discharge of, any functions of the FCA, the PRA or the Secretary of State under any provision made by or under this Act; and*

- (c) *is not prevented from being confidential information by subsection (4).*
- (3) *It is immaterial for the purposes of subsection (2) whether or not the information was received—*
 - (a) *by virtue of a requirement to provide it imposed by or under this Act;*
 - (b) *for other purposes as well as purposes mentioned in that subsection.*
- (4) *Information is not confidential information if—*
 - (a) *it has been made available to the public by virtue of being disclosed in any circumstances in which, or for any purposes for which, disclosure is not precluded by this section; or*
 - (b) *it is in the form of a summary or collection of information so framed that it is not possible to ascertain from it information relating to any particular person.*

18. Section 352(1) of the FSMA states that:

“A person who discloses information in contravention of section 348 or 350(5) is guilty of an offence.”

19. The FCA explained in its internal review that the fees it charges companies are not fixed. They vary according to the amount and particular type of regulated activity a company is carrying out. The exact figure of how much any firm paid in fees could then be combined with other publicly available information on the firm's activities to deduce the amount and type of regulated activity that firm is undertaking. The Commissioner considers that such information would clearly be information relating to that firm's business affairs and it is not already in the public domain.
20. Given that the complainant's request specifically identifies a “person”¹ any information that the FCA disclosed would be inextricably linked to that person. The FCA has noted that it does not already have the Company's consent to disclose the information to the world at large and

¹ The Interpretation Act 1978 states that, in this context, a “person” can also refer to a legal person such as a company or charitable trust.

the FCA is under no obligation to seek the Company's consent (nor would the Company be under any obligation to provide consent if it were sought).

21. The Commissioner therefore agrees with the FCA that information falling within the scope of element [1] would meet the definition of "confidential information" set out in section 348 of the FSMA and thus disclosure would breach section 352(1) of that legislation. As such the FCA would be entitled to rely on section 44 of the FOIA to withhold this information.

Elements [4] and [5]

22. Section 31(1) of the FOIA states that:

Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

(g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2),

23. Section 31(2) of the FOIA states that purposes referred to in the above sub-section are:

(b) the purpose of ascertaining whether any person is responsible for any conduct which is improper,

(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise

24. Section 31(3) of the FOIA states that:

The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1)

25. Therefore a public authority can refuse to confirm or deny holding relevant information if to do so would risk undermining the ability of a regulator to go about its work.
26. The exemption can be engaged on the basis that disclosing the information either "would" prejudice the regulatory function, or the lower threshold that disclosure only "would be likely" to prejudice that function. For the Commissioner to be convinced that prejudice "would" occur, she must be satisfied that there is a greater chance of the prejudice occurring than not occurring. To meet the threshold of "would

be likely to" occur, a public authority does not need to demonstrate that the chance of prejudice occurring is greater than 50%, but it must be more than a remote or hypothetical possibility.

27. The Commissioner's approach to the prejudice test is based on that adopted by the Information Tribunal in *Christopher Martin Hogan and Oxford City Council v the Information Commissioner* EA/2005/0026 and 0030. This involves the following steps:
- Identifying the "*applicable interests*" within the relevant exemption
 - Identifying the "*nature of the prejudice*". This means:
 - Showing that the prejudice claimed is "*real, actual or of substance*";
 - Showing that there is a "*causal link*" between the disclosure and the prejudice claimed.
 - Deciding on the "*likelihood of the occurrence of prejudice*".

The FCA's position

28. In its internal review, the FCA informed the complainant that:

"we believe that section 31(2), paragraphs (b) and (c) are engaged, in that disclosure, of whether or not the FCA has investigated [the Company], would be likely to prejudice the purpose of ascertaining whether any person is responsible for conduct which is improper. Such disclosure would also be likely to prejudice the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise.

"The harm to our function of "ascertaining" or monitoring compliance with our regulatory requirements would be likely to occur over time, not just the period identified in your request, because full disclosure of the protected information (if held, which I am neither confirming nor denying is the case here) would be likely to lead to a loss of flexibility and judgement by the FCA in the use of its processes because it may result in (i) firms changing their conduct, in the hope of increasing their prospects of avoiding the FCA detecting non-compliance with regulatory requirements; and (ii) a loss of flexibility and judgment in the types of conduct which the FCA considers significant in firms generally or types of firm, by reliance on the issues on which the FCA focusses its priorities. The FCA has a variety of regulatory powers available to achieve outcomes that protect consumers and ensure markets work well. It is therefore crucial that this flexibility and judgement is not harmed or inhibited in any way.

29. It went on to explain that:

“Another way of considering the risk we wish to avoid is of firms thinking they may be able to reduce the possibility of any non-compliance being detected by the FCA, because they consider they have a detailed understanding of the matters the FCA has (or has not) decided to direct its resources towards and are able to deploy their own resources accordingly or phrase responses in order to avoid further investigation. It is more likely to raise overall standards in the financial services industry if firms are not able to second guess or predict what specific matters will be subject to a more detailed consultation or investigation. If firms cannot be certain what areas of their business will be the subject of more detailed reviews or monitoring by the FCA, this will help ensure that firms are not tempted to do the minimum necessary or tailor responses to our regulatory enquiries and investigations in order to disguise the true position. If they are unable to anticipate what matters will, or will not, be the focus of review or monitoring by the FCA, firms are likely to strive for a higher standard of compliance in the first place. This further supports my view that disclosing this information would prejudice the effectiveness of the FCA’s way of regulating.

“To the extent that we did investigate [the Company], or take any action (which may, or may not, be the case in this instance), a confirmation of the existence of such an investigation or action may tip off the markets or firms or individuals in similar positions, of our regulatory interest in a particular issue or type of activity. This may lead them to take steps designed to frustrate the regulatory process. Likewise, a denial that we did investigate or take action might lead markets, firms or individuals to conclude that the FCA's regulatory priorities lay elsewhere, which may lead them to take steps that, even inadvertently, may frustrate the regulatory process.”

30. In its submission, the Commissioner asked the FCA to address whether any positive benefits might arise from the FCA advertising that it was focused on particular activities.
31. In relation to the first point, the FCA accepted that advertising the fact that it was focusing on particular priorities would have beneficial effects in terms of discouraging firms from engaging in less desirable activities – indeed it noted that it would sometimes advertise its priorities proactively.
32. However, the FCA also noted that, where it did wish to send signals proactively to the market, it would do so without singling out any individual firm. It argued that singling out a specific firm (which may not actually have done anything wrong) would be unfair on that firm. It

argued that its approach was capable of bringing about the positive benefits of proactive disclosure without losing the trust of the firms it regulated.

The Commissioner's view

33. The Commissioner accepts that the FCA cannot confirm or deny that it holds information within the scope of either elements [4] or [5] of the request without revealing that it had (or had not) investigated the Company. She accepts that such a confirmation (or such a denial) would be likely to prejudice the FCA's ability to ascertain whether regulatory action would be required.
34. As a regulator herself, the Commissioner recognises that, for a regulatory body to be effective it must be able to do two things. Firstly it must occasionally be able to have frank and candid discussions with the entities it regulates, outside of the public sphere. Such conversations enable regulators to "nip in the bud" activities which, if left unchecked, might develop into more serious statutory or regulatory breaches. By having these conversations behind closed doors, the entities being regulated are more likely to be candid and flexible than if they perceive that their reputation could be tarnished.
35. Secondly, the Commissioner recognises that there will be occasions where a regulator needs to create a degree of uncertainty, amongst those they regulate, as to where its resources may be focused at any given time. Regulators have finite resources which they must prioritise according to where they perceive the most serious concerns are (or are likely to occur). The more information about the regulator's allocation of resources it has, the better able an unscrupulous entity will be to make an accurate assessment of the likelihood of a particular activity coming to the attention of that regulator and, hence, the risk of carrying out that activity. This is the equivalent of a burglar wishing to know the patrol patterns of police officers so that they can make an assessment of which houses they can burgle with the lowest risk of being caught.
36. The Commissioner accepts the FCA's arguments that its ability to regulate effectively depends on a free flow of information to and from the companies it regulate. Whilst companies which are found to have broken the law should expect to be punished (and have that punishment made public), those that are genuinely unsure must be able to approach the regulator for guidance – without that fact being disclosed to the world at large.
37. Equally, it is important that a regulator is able to determine whether any wrongdoing or undesirable practices have taken place and form a

balanced assessment before making that assessment available to the world at large.

38. The Commissioner is mindful that regulatory investigations can contain numerous phases and that there will often be some form of preliminary or planning phase where the regulator makes an assessment of the evidence they already have, prior to contacting the entity or entities that will be the subject of that investigation. During that planning phase, the FCA will need to make an assessment of the evidence that it will require from the entity involved so that, once the entity becomes aware that it is the subject of the investigation, the FCA can, if necessary take immediate steps to secure that evidence and prevent it from being altered or destroyed. Advertising in advance that an entity is already under investigation would risk unscrupulous entities taking steps to destroy or alter evidence to prevent it from coming into the hands of the regulator.
39. Whilst the Commissioner accepts that those firms who have been investigated but where the FCA found no evidence of wrongdoing or those firms who have never been investigated might be happy for this fact to be in the public domain. However, for a neither confirm nor deny response to be effective, it must be used consistently. If the FCA only uses a neither confirm nor deny response when it holds information, this will quickly become apparent and thus undermine the reason for applying the exemption in the first place.
40. Finally, the Commissioner accepts that financial markets are very sensitive to the actions of the regulator and that the FCA is closely watched for clues about where regulatory action might take place. Revealing details of the types of companies that have been or are subject to investigation might risk other firms altering their activities towards activities which are potentially harmful but which are less likely to attract regulatory attention. This could distract the FCA from its work as it has to reallocate resources constantly to counter new problems.
41. The Commissioner is therefore satisfied that the chance of prejudice to the appropriate function occurring is more than hypothetical and the harms identified are actual and of substance. Given that there is a clear causal link between the FCA issuing a confirmation or a denial that information is held and the potential harms, the Commissioner is satisfied that the exemption is engaged in relation to elements [4] and [5].

Element [7]

42. At the outset of her investigation the Commissioner was unclear as to exactly what information was being sought by element [7] as the

submitted request lacked coherence. The FCA explained that it had interpreted this element in reference to the statement quoted which had appeared in the Financial Times and which quoted the FCA's Executive Director for Transformation as indicating that the FCA would consider redress schemes in respect of companies that had been found to have offered poor advice on Defined Benefit ("DB") pension schemes. The FCA explained that:

"we considered it reasonable to interpret the question as asking when that consideration would happen in relation to [the Company], that is, when would the FCA consider imposing a redress scheme on [the Company] in respect of its DB advice."

43. The Commissioner accepts that all elements of the request were prefaced with the words "In reference to [the Company]" and that this is therefore a reasonable interpretation of the request. It also accords with what the complainant informed her that he was seeking with this element of his request. The Commissioner is therefore satisfied that the FCA had the correct objective reading of this element of the request.
44. The FCA explained that it would consider imposing redress schemes where a particular company was found to have failed to comply with the applicable requirements when providing advice to its customers.
45. Given the position it had adopted in relation to elements [2], [3], [4] and [5] of the request (ie. confirming that no fines had been levied on the Company but refusing to confirm or deny whether it had been investigated), the FCA argued that it could not issue a confirmation or a denial in respect of this element of the request without undermining its response to elements [4] and [5].
46. The Commissioner accepts that if the FCA confirmed that it was having internal deliberations about whether a redress scheme for the Company was necessary it would be tantamount to confirming that an investigation of the Company had taken place (or was under way). There would be a presumption that no redress scheme would be imposed without some sort of investigation preceding it. The Commissioner is satisfied that the FCA could not provide a meaningful answer to this element of the request without undermining its stance in relation to elements [4] and [5]. Therefore (and whilst she accepts that the FCA could have done a better job of explaining this in its internal review – which was otherwise excellent), the Commissioner accepts that issuing a confirmation or a denial that information was held in respect of element [7] of the request would be likely to prejudice the FCA's function of determining whether regulatory action was justified – and for the same reasons as given in respect of elements [4] and [5].

Public interest test

47. Whilst she is satisfied that section 31(3) is engaged, the Commissioner must still consider whether there might nevertheless be a public interest in requiring the FCA to give a confirmation or a denial that it holds relevant information.
48. When conducting a public interest test in respect of a prejudice-based exemption, the Commissioner considers that there will always be an inherent public interest in preventing that prejudice from occurring – how much weight that will carry will depend on the severity of the prejudice and the likelihood of it occurring.
49. In this particular case, the Commissioner has determined that it is the lower bar of “would be likely to” cause prejudice that is engaged and this carries less weight in the public interest test than prejudice which “would” occur.
50. The Commissioner recognises that there will almost always be a public interest in transparency for its own sake. As a public authority, the FCA should be accountable for the way that it operates.
51. In this particular case, the Commissioner recognises that the issues involved will affect large numbers of people who may have lost what, for them, may be a significant amount of money as a result of being provided with inadequate advice. There would be a considerable public interest in understanding what steps the FCA has taken (or is taking) to establish whether wrongdoing has taken place and, if that is the case, to put matters right. There is a particular interest in financial services since the financial crisis of 2008 and in light of the previous Coalition Government’s pension reforms.
52. Weighing against that is the also considerable public interest in having a strong and effective regulator, able to take decisive action where necessary and with a variety of tools at its disposal. In the arguments laid out above, the FCA has explained why issuing a confirmation or a denial in these circumstances would reduce its ability to carry out its regulatory functions effectively.
53. Having considered both sides of the argument, the Commissioner considers that the balance of the public interest favours maintaining the exemption.
54. The FCA has already published the fact that it is looking in to the broader question of Defined Benefit advice – albeit without reference to any particular company. In respect of the Company, the FCA has already confirmed that it has not issued any fines – which meets its requirements of transparency.

55. The Commissioner does not therefore consider that understanding whether this particular company has or has not been investigated would add little of significance to the broader public debate on Defined Benefit advice – beyond the information already in the public domain.
56. By contrast, issuing a confirmation or denial that information is held would be likely to result in the sorts of problems that the FCA has identified in its response. Therefore the gain would be insignificant whilst the loss would be considerable.
57. The Commissioner is therefore satisfied that issuing a confirmation or a denial would prejudice the FCA's ability to carry out its function to ascertain whether regulatory action is justified. Section 31(3) of the FOIA is thus engaged and the public interest favours maintaining the exemption.

Procedural matters

Section 17 – Refusal Notice

58. Section 17(1) of the FOIA states that when a public authority wishes to withhold information or to neither confirm nor deny holding information it must:

within the time for complying with section 1(1), give the applicant a notice which—

- (a) states that fact,*
- (b) specifies the exemption in question, and*
- (c) states (if that would not otherwise be apparent) why the exemption applies.*

(2) Where—

- (a) in relation to any request for information, a public authority is, as respects any information, relying on a claim—*
 - (i) that any provision of Part II which relates to the duty to confirm or deny and is not specified in section 2(3) is relevant to the request, or*
 - (ii) that the information is exempt information only by virtue of a provision not specified in section 2(3), and*

(b) at the time when the notice under subsection (1) is given to the applicant, the public authority (or, in a case falling within section 66(3) or (4), the responsible authority) has not yet reached a decision as to the application of subsection (1)(b) or (2)(b) of section 2,

the notice under subsection (1) must indicate that no decision as to the application of that provision has yet been reached and must contain an estimate of the date by which the authority expects that such a decision will have been reached.

(3) A public authority which, in relation to any request for information, is to any extent relying on a claim that subsection (1)(b) or (2)(b) of section 2 applies must, either in the notice under subsection (1) or in a separate notice given within such time as is reasonable in the circumstances, state the reasons for claiming—

(a) that, in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the authority holds the information, or

(b) that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

59. Whilst most requests must either be responded to or refused within 20 working days, section 17(3) of the FOIA allows a public authority to delay issuing its refusal notice if it requires more time to assess the balance of the public interest. There is no prescribed time limit in which to carry out this assessment, but the Commissioner considers that this will normally amount to taking an additional 20 working days beyond the usual deadline. Any further extension should only happen in very exceptional circumstances and it is the responsibility of the public authority to justify the additional time required.

60. The complainant has argued that the FCA breached the timeliness provisions of the FOIA by not responding at all within 20 working days.

61. Section 10(6) of the FOIA states that a:

*“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 **in any part of the United Kingdom.** [emphasis added]*

62. The Commissioner notes that the request was submitted by email on 8 December 2019. As this was a Sunday, the first working day would have been Monday 9 December. Discounting the bank holidays which fell during that period for Christmas Day, Boxing Day, New Year's Day and 2 January 2020 (which is a bank holiday in Scotland and is thus not a working day for the purposes of the FOIA), the twentieth working day was Thursday 9 January 2020 – when the FCA wrote to the complainant to let him know that it needed further time in which to consider the balance of the public interest. It then issued its refusal notice on 6 February 2020 – the 40th working day following the date of receipt.
63. Given that this was a matter which had been raised explicitly by the complainant, the Commissioner asked the FCA to explain why it was not reasonable in the circumstance to have issued its response within 20 working days.
64. The FCA spent a lot of time in its response detailing the factors that had gone into providing its response of 9 January 2020, although that was not actually the question posed by the Commissioner – which was why it actually needed to extend the time period for responding in the first place. However the FCA did explain that:
- “in the period that the request was received and being handled, the FCA Information Disclosure Team was experiencing a high volume of requests; balancing the competing priorities and timelines of a very full caseload.”*
65. The Commissioner accepts that, in its holding response of 9 January 2020, did identify at least one qualified exemption for which it would need to consider the balance of the public interest. Whilst she notes that the additional working days set out in her guidance should be regarded as a maximum and not a target, she has not identified any factors which would render the extension unreasonable.
66. However, the Commissioner notes that the refusal notice that the FCA issued on 6 February 2020 did not rely on section 31(3) of the FOIA in respect of element [7] and it did not rely on section 43(3) of the FOIA (which it later attempted to introduce) at all. The Commissioner therefore finds that the FCA failed to issue a refusal notice, citing all the exemptions upon which it wished to rely, within a reasonable timeframe. She thus finds a breach of section 17 of the FOIA in respect of this request.

Right of appeal

67. 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

68. 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.
69. 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

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