

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

### **Decision notice**

**Date:** 15 February 2021

**Public Authority:** Ministry of Justice

**Address:** 102 Petty France  
London  
SW1H 9AJ

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

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1. The complainant requested a copy of a central database of outstanding prison repair or maintenance work. The Ministry of Justice (the 'MOJ') initially refused to provide any of the requested information citing section 31(1)(f), the exemption for law enforcement, specifically the maintenance and security of good order in prisons. Following an internal review, the MOJ reconsidered and provided the complainant with some of the requested information, but it maintained section 31(1)(f) applied to the detail of the actual work orders. Ultimately, during the course of the Commissioner's investigation, the MOJ disclosed further information to the complainant with redactions citing section 31, section 38 (health and safety) and section 40 (personal information). The MOJ also said that to carry out any further work on the remaining withheld information would engage section 14(1) (vexatious request) due to the oppressive burden this would place on it.
2. The complainant confirmed he was not interested in the information redacted under section 40 of FOIA so the Commissioner has excluded this from her investigation.
3. Despite the Commissioner requesting its submissions, the MOJ failed to provide any arguments to support its reliance on section 38 of FOIA. The Commissioner's decision is that the MOJ failed to demonstrate that section 38 was engaged.
4. The Commissioner also finds that the redactions including the prison names within the information disclosed to the complainant, during her investigation were correctly withheld on the basis of the exemption

contained at section 31(1)(f) of FOIA, and she finds that the balance of the public interest favours maintaining the exemption.

5. For the reasons set out in this notice, the Commissioner also finds that the MOJ was entitled to cite section 14(1) in relation to carrying out any further consideration of the withheld information due to the oppressive burden this would place upon it.
6. The Commissioner does not require the MOJ to take any steps as a result of this notice.

## Background

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7. From the MOJ's correspondence, the Commissioner understands that the requested prison maintenance and repair database is used by the MOJ and contracted facilities maintenance suppliers to raise maintenance issues and track individual jobs. The database is known as 'Planet'.
8. The MOJ explained that: "*The central database holds records on all maintenance jobs raised within the estate, past and current*" and said "*this information is detailed and site specific. It reveals details of places where issues with security apparatus, such as doors, walls, other equipment or other elements present in any given location may exist*".
9. As of 15 July 2020 the MOJ said that:

*"The database is 132900.49 MB in size and began collecting data from the start of the current contractual arrangements. It contains data on planned, outstanding and completed maintenance work for the entirety of the contractual arrangements. Of the data related to outstanding maintenance, which was the scope of this request, the current oldest data line dates from October 2014."*

10. The MOJ has provided the Commissioner with a list of all the fields within the requested database (as below), explaining that:

*"All of these fields are populated by selecting from a pre-determined menu or drop down list, or automatically by the software, except where noted. It should also be noted that inaccuracies may exist within the data, as incorrect information may have been entered or incorrect options may have been selected for drop down menu fields. Likewise free text fields may not present information in a consistent manner and variation will exist on the level of detail included."*

11. The complete field list within Planet (supplied by and copied from the MOJ) is as follows:

- Code
- Establishment
- Building
- Region
- Category
- REM [Real Estate Management]
- Governor
- Contractor
- WO Number [Work Order]
- Region
- Site
- Description - free text only for data lines related to non-planned maintenance work
- Work Order Type
- Status
- SLA Code [Service Level Agreement]
- Created
- Issued
- Complete By
- Complete In
- Finished
- Closed
- Defect
- Month
- Target Resolve
- Days overdue
- Pass
- Fail
- Potential Fail
- Vandalism
- Call Category
- Progress notes - free text for all data lines

12. The MOJ also told the Commissioner that:

*"A large number of staff use the database and input data to it, including staff of our FM [Facilities Management] providers, for instance when planned maintenance is scheduled or when maintenance issues are reported at prison sites. These staff will have the functionality to input lines into the database, but not to view or change already inputted data. 450 licenses are held for access to the main database, which are used only by internal HMPPS [Her Majesty's Prison and Probation Service] staff, who will have the required security vetting."*

13. From the explanations provided by the MOJ, the Commissioner understands that the Planet database in its entirety holds records both of complete, scheduled (routine) and outstanding maintenance jobs within the public prison estate. It is important to note that the complainant's request (set out below) only asks for information on "*outstanding prison repair or maintenance work*".
14. The Commissioner considers it helpful to summarise here the chronology of the disclosures in this case. Initially, all the requested information was withheld. A table of summary information was provided at the internal review stage with the rest withheld. Some further information was disclosed during the Commissioner's investigation with redactions. Initially, this information was provided in a format not requested by the complainant but was later reissued in one of his requested formats. For completeness, further details of the chronology of the investigation are set out in the 'Scope of the case' section.

## **Request and response**

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15. On 14 September 2019, the complainant wrote to the MOJ requested information in the following terms:

*"Please provide a copy of any centrally held database of outstanding prison repair or maintenance work. Please provide all disclosable fields of this database.*

*Please send me this information by e-mail to [email address redacted] in a machine readable format such as .csv or .xlsx where appropriate..."*

16. The MOJ responded on 26 September 2019. It refused to provide the requested information citing section 31(1)(f), the exemption for law enforcement, specifically the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained. It said that the public interest favoured withholding the requested information.
17. Following its internal review the MOJ wrote to the complainant on 23 October 2019. It partly revised its position in that said it had reconsidered the public interest in transparency, and provided the complainant with a table which showed the available information on repair work orders which covered the period of September 2018 to August 2019 by establishment.

18. The Commissioner notes that no dates were specified by the complainant in his request but accepts that the MOJ was seeking to provide the complainant with some of the information he had requested.
19. Specifically, the table included the following headings and associated details:
- Name of the prison/establishment
  - Number of complete jobs (by prison)
  - Number of incomplete jobs (by prison)
  - Completion rate of all known jobs (by prison) – given as a percentage
  - Status of job unclear (by prison)
  - Total number of jobs (by prison)
  - Overall totals by each of the above headings for all prisons
20. In relation to this disclosure, the MOJ provided the complainant with the following additional explanation:

*“Please note that some of these tasks cannot be completed in the time period for a variety of reasons which can lead to duplication of a task. The figures provided include these duplicate tasks, which account for part of the apparent backlog. Further to this, the % completion on time is the timescale required by the contract for different types of work.*

*Performance has improved recently against completion on time and against the number of works which are left outstanding. We ensure that works are completed with close monitoring of performance through regular contract meetings where providers are challenged, and concerns can be escalated. Further to this statutory and mandatory compliance checks are conducted. Where necessary financial penalties are applied to commercial contractors where work orders are not completed on time as per contractual requirements. Action plans to reduce outstanding remedial works have also recently been requested. Our priority is to stabilise and improve service delivery, with an improved focus on cleanliness and decency.*

*There is a substantial public interest in maintaining the security and good order in prisons. Therefore, any actual detail of individual work orders in establishments are not being provided*

*as should such information be released into the public domain, there is the potential for it to be exploited by parties engaged in criminal enterprise, thereby putting the public, prisoners and staff at risk. I conclude that the response you received applied the correct exemption for this aspect of your request."*

21. Therefore, the MOJ maintained that section 31(1)(f) applied to the remaining withheld information, including the detail of the actual associated work orders.

### **Scope of the case**

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22. The complainant contacted the Commissioner on 11 December 2019 to complain about the way his request for information had been handled.

### **Grounds of complaint**

23. His initial grounds of complaint included the following, the full details of which the Commissioner raised with the MOJ as part of her original investigation. It should be noted that this was at the point where only a summary table had been disclosed to the complainant:

*"...I would argue that much of this information is not subject to this exemption. Section 31 is not a blanket exemption, as it has been misapplied here.*

*Knowledge that there is work overdue at a prison is not information that would aid and abet criminals, breaching section 31, if very specific details of what exact work is overdue where that work is security sensitive is not provided. As such, most fields in the database, such as the prison work is overdue at, the broad category of work overdue, and the length by which each piece of work is overdue would not trigger section 31 and should be released.."*

### **The Commissioner's initial investigation – section 31**

24. The Commissioner initially set out to consider whether the MOJ was entitled to rely on section 31(1)(f) for the remaining withheld information contained within the requested central database.
25. In its investigation response of 9 March 2020, the MOJ maintained that section 31(1)(f) applied and provided the Commissioner with its submissions.
26. On 28 April 2020, the Commissioner advised the MOJ of her preliminary view that section 31(1)(f) could not be relied on for all the remaining

withheld information (for example instances such as 'no cold water to cells') where disclosure would not affect the maintenance and security of good order in prisons. She asked the MOJ to revisit its response.

### **The Commissioner's investigation into section 14**

27. It should be noted that the MOJ had already disclosed a table to the complainant at internal review. Having reviewed its earlier response and as instructed by the Commissioner, the MOJ revisited its response and wrote to the complainant on 15 June 2020 advising that it now considered section 14(1), vexatious request, to apply on the basis that a line by line review of the database to identify and redact exempt information would be burdensome on staff and cause a disproportionate and unjustified level of disruption, particularly during the Covid-19 pandemic when staff resource needs to be focused on safeguarding prisoners, staff and the public.
28. The Commissioner asked the complainant for his point of view of the MOJ's reliance on section 14(1). He replied on 22 June 2020 confirming that he did not accept that section 14 applied as it would be easy to redact or remove the relevant fields using functions in Excel such as keyword searches and 'find and replace'.
29. Therefore, on 23 June 2020, the Commissioner wrote to the MOJ to investigate its reliance on section 14(1) of FOIA. She also asked the MOJ to consider the complainant's comments outlined above, together with her own questions about the database and the extraction of data.
30. On 7 July 2020, the MOJ provided its response. In addition to answering the specific questions posed, the MOJ now said it intended disclosing some further information to the complainant. It requested additional time in which to prepare and redact the information it intended to release.
31. The MOJ wrote to the complainant on 24 July 2020, enclosing the first part of four PDF disclosures which it said represented "*all disclosable fields*". As set out in the 'Background' section of this notice, the database also contains records of completed and scheduled maintenance jobs. The MOJ has told the Commissioner that the PDFs represented the information in scope of the request, namely the *outstanding* maintenance non-exempt information. The MOJ confirmed that it had sent all four PDF disclosures to the complainant by 31 July 2020.
32. In relation to the redactions made within the PDFs, the MOJ said it had chosen those fields on the basis that they are likely to contain information exempt "*under Section 31(1)f, maintenance of good order in the prison estate, and Section 38, health and safety of staff and residents*".



33. The MOJ explained that data lines containing staff members' names and location information in the free text columns had been redacted, together with details of security assets such as CCTV, doors, locks and gates, disclosure of which would pose a greater security risk. It said that, as part of its security considerations, it had redacted all the data lines related to its high security prison estate. The MOJ said that it has taken the approach above rather than attempting to review and redact the data line-by-line which it argued would engage section 14(1), vexatious request, of FOIA. This was due to the diversion of its resources and disproportionate and unjustified disruption necessary to carry out this analysis.
34. The Commissioner noted the MOJ's addition of section 38 of FOIA to the remaining withheld information and wrote to the complainant on 3 August 2020, seeking his stance on the newly disclosed information.
35. The complainant provided his view on 10 August 2020, objecting both to the format the information had been provided in, and to the extent of the redactions.
36. On 11 August 2020, the Commissioner raised the complainant's concerns with the MOJ. Despite the Commissioner's intervention, it did not provide its response until 21 September 2020.
37. The MOJ explained its reasons for the approach taken to redact the information it considered was subject to section 31 and 38; it provided its rationale for citing section 14(1) and explained why it had not provided the additional information in .xlsx format as requested by the complainant.
38. On 28 September 2020 the Commissioner wrote to the complainant relaying the MOJ's responses to his concerns.
39. On 6 October 2020, the complainant submitted his view of the MOJ's response to the Commissioner, raising concerns about the format of the disclosures and asking the Commissioner to consider whether some or all of the names of the prisons should be redacted from the information disclosed to him. These were withheld by the MOJ under sections 31(1)(f) and 38 of FOIA.
40. The complainant confirmed to the Commissioner that he was not interested in the section 40(2) redactions, but asked her to consider the extent of the remaining redactions and withheld information.
41. The Commissioner has therefore, excluded any further consideration of the MOJ's reliance on section 40(2) from her investigation.



42. Following further enquiries from the Commissioner on the matter, the MOJ reissued the previously disclosed information (with the same information redacted) in .xlsx format to the complainant on 15 January 2021.
43. As the complainant has not submitted any concerns following this latest disclosure, the Commissioner has not considered the format issue any further.
44. On 15 January 2021, the MOJ re-confirmed that both sections 31 and 38 applied to all the non-section 40(2) redactions, including the names of the prison establishments and sites, within the disclosed spreadsheet.
45. The MOJ maintained that section 14(1) applied to the remaining withheld information, in that it said any further review to consider whether any of it would exempt and on what basis, would have a considerable detrimental impact on it. The MOJ has also argued that this work would divert considerable resources within HMPPS away from critical work at this time, and that HMPPS' priorities during the current Covid-19 emergency must be to safeguard prisoners, staff and the public.
46. Therefore, the Commissioner has considered whether the MOJ was entitled to rely on section 31 and section 38 of FOIA for the redactions made to the .xlsx spreadsheet. This includes consideration of whether the names of the prison establishments and sites can be withheld.
47. She has also considered whether the MOJ was entitled to refuse to carry out any further work on redacting exempt information on the basis of section 14(1) of FOIA.
48. With due consideration to her role as regulator, the Commissioner makes the following observations about the approach she adopted in conducting her investigation into the complaint in this case:
  - Given the vast amount of information contained in the unredacted Excel spreadsheet (in excess of 29,500 individual rows of data of which a significant proportion contain redacted information), she has taken a proportionate approach.
  - This has involved her focussing on the key categories of the withheld information as specified by the MOJ for over 10,000 rows where information has been redacted.
  - The Commissioner is satisfied that the sampling she has undertaken is representative of the withheld information.

## Reasons for decision

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### ***The remaining withheld information***

49. The Commissioner considers it helpful to summarise here the requested information which has been withheld.
50. There are a significant number of redactions within the .xlsx spreadsheet provided to the complainant, withheld on the basis of sections 31, 38 and 40 of FOIA. As set out in the 'Scope' section earlier, the Commissioner has not considered section 40 any further, given the complainant's confirmation that he is not interested in receiving any personal data.
51. Those remaining redactions include the names of all the prison establishments which the complainant has declared a particular interest in.
52. In addition, the MOJ has told the Commissioner that to carry out any further work in response to this request would place a disproportionate burden upon it and would therefore, in its view, engage section 14(1) of FOIA.
53. Through the course of the Commissioner's investigation, the MOJ has provided the following samples of the withheld information:
  - 'Annex A' – a sample of the withheld information provided on 9 March 2020 pre the further disclosure to the complainant.
  - A random sample of 50 of the raw data entries of outstanding maintenance work within the database provided by the MOJ on 30 October 2020.
  - The unredacted 'marked up' version of the partly redacted .xlsx spreadsheet provided to the complainant which she received on 7 December 2020.
54. In this case, the Commissioner has reviewed all of the above before reaching her decision in this case. The MOJ said it was unable to provide a copy of the database in its entirety even to the Commissioner - in relation to Annex A, the MOJ said:

*"Logistical issues mean it is not possible to provide the database in its entirety. The sample information provided is therefore a snapshot of the database."*

and

*"The samples in the below Annex demonstrate the type of data that is held in the system. It is not possible to provide full access to all the data, as this requires a log on to the [name of system redacted], which is only available from a computer on the internal HMPPS system. The large size of datasets makes it impractical to provide the data by other means."*

### **Consideration of the exemptions cited**

55. The Commissioner has considered each of the exemptions cited by the MOJ in this case.

### **Section 38 – health and safety**

56. Section 38(1) of FOIA states that:

*"Information is exempt information if its disclosure under this Act, would, or would be likely to –*

*(a) endanger the physical or mental health of any individual, or*

*(b) endanger the safety of any individual."*

57. The MOJ said it wished to rely on section 38 in addition to section 31 for all of the redactions within the information disclosed to the complainant. Whilst the MOJ has made what the Commissioner would describe as 'passing references' to the risk to the safety of prisoners and staff amongst the case correspondence, it has not elaborated or explained how and why the health and safety of these individuals would be harmed by any further disclosure of information withheld under section 38 of FOIA.

58. Additionally, the Commissioner wrote to the MOJ on 9 November 2020 formally seeking its section 38 submissions. It did not respond.

59. It is not for the Commissioner to construct arguments on behalf of the MOJ – the responsibility lies with the public authority.

### *Conclusion*

60. In the absence of any specific section 38 rationale having been provided by the MOJ, the Commissioner has necessarily found that section 38 is not engaged. She therefore finds that section 38 cannot be cited in relation to the redacted information within the .xlsx spreadsheet released during her investigation.

## **Section 31 – law enforcement**

61. The Commissioner must next consider whether those redactions can be withheld on the basis of section 31 of FOIA.
62. Section 31 of FOIA creates an exemption from the right to know if disclosing the information would, or would be likely to, prejudice one or more of a range of law enforcement activities. Section 31 can be claimed by any public authority, not just those with law enforcement functions.
63. In order to engage a prejudice based exemption such as section 31 there must be likelihood that disclosure would, or would be likely to, cause prejudice to the interest that the exemption protects. In the Commissioner's view, three criteria must be met in order to engage a prejudice based exemption:
  - Firstly, the actual harm which the public authority alleges would, or would be likely to, occur if the withheld information was disclosed has to relate to the applicable interests within the relevant exemption (in this case, the administration of justice);
  - Secondly, the public authority must be able to demonstrate the nature of the prejudice and that some causal relationship exists between the potential disclosure of the information being withheld and the prejudice which the exemption is designed to protect. Furthermore, the resultant prejudice which is alleged must be real, actual or of substance; and,
  - Thirdly, it is necessary to establish whether the level of likelihood of prejudice being relied upon by the public authority is met – ie disclosure 'would be likely' to result in prejudice or disclosure 'would' result in prejudice.
64. Consideration of the exemption at section 31 is a two-stage process: even if the exemption is engaged, the information should be disclosed unless the public interest in maintaining the exemption outweighs the public interest in disclosure.
65. In this case, the MOJ is relying on section 31(1)(f) of FOIA. This subsection states that information is exempt if its disclosure would, or would be likely to, prejudice:

*(f) the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained.*
66. The MOJ has explained that it has cited section 31(1)(f) in relation to the following categories within the disclosed redacted spreadsheet:

- The site and building columns (this includes the prison names and prison specific building names)
- All lines for high security prisons
- Mentions of issues with security functions such as locks/doors/gates/keys/CCTV/some security lights
- Peoples' names
- Names of suppliers (as a potential proxy for location)
- Lines where location information was mentioned in the free text

### ***The applicable interests***

67. The first point for the Commissioner to consider is whether the arguments provided by the MOJ relate to the relevant applicable interests, namely the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained.
68. The complainant's view of the MOJ's application of section 31 is outlined in the 'Scope' section of this notice. In summary, he does not consider that section 31 can be applied in a "blanket fashion" and that more information could be released. Following the final disclosure of the further information on 15 January 2021 in the .xlsx spreadsheet, the complainant raised the following concerns:

*"Removing the names of prisons, which do not specify where on the prison site issues are present, does not appear to be justified outside the high secure estate. This does not serve the public interest in knowing which sites have poor maintenance which could affect the prison service's ability to keep prisoners and its staff safe, and could not realistically alert prisoners to specific issues on site.*

*The redactions in some places appear extreme, with whole lines blacked about. I appreciate the department's view of the concerns around the security of the prison estate, but it is not clear that blanking whole lines [sic] rather than selected fields within a line saves great amounts of time or cost, and redaction should therefore be more specific.*

*While I appreciate the need for greater redaction around the high secure estate, at the moment records related to the high secure estate are redacted completely, without even stating these lines relate to the high secure estate. This makes the data hard to analyse, and is not justifiable. In addition, if information around*

*the high secure estate is anonymised (i.e., the prison it is related to do is not disclosed) there does not appear to be a strong risk that its release could affect security at any site, and some fields within this should be disclosable (for example when work orders were raised).*

69. In its early correspondence with the complainant, the MOJ appears to have relied to a large degree on the requested material being self-evidently exempt under section 31, concentrating its analysis on the public interest factors.
70. However, in its submissions to the Commissioner, the MOJ provided evidence in support of its view that disclosure would prejudice the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained.
71. The MOJ said that the remaining withheld information is detailed and site specific and reveals details of places where issues with security apparatus, such as doors, locks, other equipment or other elements present in any given location may exist. The MOJ argued that such information that has the potential to be used by current prisoners, or others, to assist with criminal activity (such as an escape attempt). It argued that the dataset may provide information that would allow an individual with malicious intent to exploit known weaknesses caused by existing maintenance issues to attempt to disrupt the effective operation of a prison site.
72. The MOJ also explained that:

*"The prison estate houses individuals who are considered vulnerable. The MoJ has a responsibility to keep safe all prisoners lawfully held within the prison estate. Release of these data has the potential to compromise our ability to do this. Whilst individual items of data may not be of any significant interest, access to the entire database could enable anyone to build up a sufficient picture of potential weak points that would help them in circumventing security measures. This could lead to attempts to access vulnerable prisoners or smuggle in contraband items such as weapons or illicit drugs. It has the potential to aid the running of criminal enterprises from inside prisons as well as facilitate inappropriate contact with victims in the community.*

*The MoJ has a duty of care to all members of staff working within the prison estate, including those employed by HMPPS and partner agencies as well as professional and social visitors. Release of these data could undermine its ability to protect all staff and visitors."*

73. The Commissioner's guidance on section 31<sup>1</sup> states:

*"The term "security and good order" will include, but is not limited to, both external and internal security arrangements. It will also protect any information likely to prejudice the orderly running of these institutions from disclosure. Conceivably this could include information that has the potential to inflame an already volatile atmosphere amongst the prison population."*

74. The Commissioner is satisfied that the prejudice the MOJ is envisaging in this case is relevant to the particular interest which section 31(1)(f) is designed to protect. Accordingly, the first limb of the three part test outlined above is met.

### ***The nature of the prejudice***

75. The next point for the Commissioner to consider is whether the MOJ has demonstrated a causal relationship between the disclosure of the information at issue and the prejudice that section 31(1)(f) is designed to protect. This includes consideration as to whether the MOJ is able to withhold the prison names in relation to this request on the basis of section 31(1)(f).

76. In her view, disclosure must at least be capable of harming the interest in some way, ie have a damaging or detrimental effect on it.

77. In support of withholding the redacted information within the .xlsx spreadsheet, the MOJ told the Commissioner that:

*"In our response to [the complainant] of 24 July 2020, we were able to provide the requested data with redaction of those fields we believe should be exempted. As stated in our response, the redacted fields were chosen on the basis that they are likely to contain information exempt under Section 31(1)f, maintenance of good order in the prison estate, and Section 38, health and safety of staff and residents. This includes the redaction of the prison establishment names which reduces the risk of maintenance issues being linked to specific sites. All information relating to the High Security Estate have also been redacted due to the increased risk that maintenance issues could pose both a more significant threat to security and with higher consequences*

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<sup>1</sup> <https://ico.org.uk/media/for-organisations/documents/1207/law-enforcement-foi-section-31.pdf>



*should information be acted upon in a malicious way. As outlined previously, the dataset requested includes significant detail on maintenance issues related to security apparatus at all publicly operated prison sites in England and Wales.*

*We contend that a significant risk exists that by combining seemingly innocuous bits of information from several lines of this data, and potentially other obtainable knowledge, this data could be used by individuals with criminal intents to undermine the security of any particular prison. As we can't be sure of the intent of individuals and what other information is available to draw on, it is difficult to make an accurate judgment on which lines of data could be most problematic if disclosed. The possible malicious use of this data could include intent to cause harm to staff, prisoners, victims of crime (inside and outside of prisons), facilitate escape attempts, as well as intent to facilitate the operation of criminal enterprise within prisons and ingress of contraband items into sites. As such we believe that disclosing the name of the prison establishments associated with each line of data would present a significant security risk, as the data could significantly increase the opportunity for criminal activity to be undertaken."*

78. On 30 October 2020, in correspondence with the Commissioner, the MOJ also said:

*"In response to your email of 12 October, please see attached a sample of raw data from the database of outstanding maintenance work across all publicly operated prison sites in England and Wales. Due to the varied nature of the data included in the database, I have included a random sample of 50 rather than the requested 20 which I believe more accurately reflects the very wide range of data held and which I hope you will find useful.*

*The database of outstanding maintenance work contains approximately 69,000 entries. While there will be some exempt information that we would be able to identify by means of search functions as [the complainant] has suggested, we cannot be confident that this would isolate all such potentially exempt information, as in many cases throughout the database the sensitivities may only be apparent when the information is reviewed in the context of the complete entry. We therefore maintain, as outlined in our response of 21 September, that reviewing all 69,000 entries on a line-by-line basis to ensure that sensitive information is not disclosed would be vexatious and*

*therefore exempt under Section 14(1) of the Freedom of Information Act 2000.*

*Moreover, as you will see from the raw data sample attached, the entries detail the name of the site and building where the maintenance task is required. We believe that disclosing the name of the prison establishments associated with each line of data would present a significant security risk, as the data could significantly increase the opportunity for criminal activity to be undertaken. This is especially true for the High Security Estate due to the increased risk that maintenance issues could pose both a more significant threat to security and with higher consequences should information be acted upon in a malicious way. It is for this reason, in addition to the burden argument outlined above that in our response to [the complainant] of 24 July, we redacted all information relating to the High Security Estate."*

79. In addition to the sample of 50 provided by the MOJ in October 2020 and the earlier 'Annex A', the Commissioner has also considered a significant sample of the redactions made to the .xlsx spreadsheet. She is satisfied that any further disclosure would reveal details of repairs, which, if disclosed, could undoubtedly assist any individuals intent on circumventing the law. This could have a detrimental effect on the maintenance of security and good order in prisons. The Commissioner is satisfied that the resultant prejudice can be correctly categorised as real and of substance.
80. Being mindful that a disclosure under FOIA is a disclosure to the public (ie effectively to the world at large), she is concerned that release of the prison names, and particularly those of the High Security estate, or any on-site location detail would allow the potential for criminals to access that information and to utilise it to the detriment of the maintenance of security and good order in prisons.
81. She is also satisfied that there is a causal relationship between the disclosure of the requested information and the prejudice which the exemption is designed to protect.

### ***The likelihood of prejudice***

82. As to whether the harm 'would' or 'would be likely' to occur if further information was to be disclosed, the MOJ said:

*"As the examples in the Annex A below (a document provided to by the MOJ to the Commissioner) demonstrate the database contains many examples of line of data that provide details on*

*maintenance issues, which include maintenance issues related to the security apparatus of all the prisons in the public sector portfolio. Lines of data vary according to the issue, and various factors, including the specific details of the site determine how this data could be used to prejudice the prevention of crime. It is not possible to determine the probability of any individual line of data being used for such purposes. The large quantity of the lines of data ..., mean that taken as a whole we believe that disclosure of this data **would** have a prejudicial effect on the Ministry's ability to keep prisoners and staff safe and maintain security."*

83. In light of the above, the Commissioner notes that the MOJ considers that the higher threshold of 'would' occur applied in this case.
84. The more certain the prejudice, the greater weight it will carry when considering the public interest. In this context the term 'would prejudice' means that it has to be more probable than not that the prejudice would occur. 'Would be likely to prejudice' is a lower test; there must be a real and significant risk, even if risk of prejudice occurring is less than 50 per cent.

***Is the exemption engaged? Would disclosure be likely to prejudice the maintenance of security and good order in prisons?***

85. In cases such as this, it is not enough for the information to relate to an interest protected by section 31(1)(f)), its disclosure must also at least be likely to prejudice those interests. The onus is on the public authority to explain how that prejudice would arise and why it would occur.
86. Having considered the arguments put forward by the MOJ, the Commissioner accepts that the requested information would be useful to someone intent on establishing and exploiting any vulnerabilities within the prison system in terms of outstanding maintenance and repairs, which would be prejudicial to law enforcement.
87. In the Commissioner's view, the MOJ has not provided strong enough arguments to persuade her that the higher threshold of 'would' applies in this case. However, the Commissioner is satisfied that the chance of such harms occurring is clearly more than hypothetical and thus, at the very least, the lower threshold of likelihood ('would be likely' to prejudice) is cleared easily.
88. Consequently, she is satisfied that its disclosure would be likely to represent a real and significant risk to law enforcement matters.

### *Conclusion*

89. As the Commissioner accepts that the outcome of disclosure predicted by the public authority at the least would be likely to occur, she is therefore satisfied that the exemption provided by section 31(1)(f) is engaged.

### **Public interest test**

90. Section 31 is a qualified exemption. The Commissioner must now consider whether, in all the circumstances of the case, the public interest in maintaining the exemption at section 31(1)(f) of FOIA outweighs the public interest in disclosing the remaining information requested by the complainant in his request.

### ***Public interest considerations favouring disclosure***

91. Arguing in favour of disclosure, the complainant made the following submission:

*"In general, there is a very strong public interest in ensuring that the prison estate is being maintained to an acceptable standard, as failures to do this could risk escapes, as well as cause harm to prisoners, such as making prison suicides easier, and this should be taken into account in any redaction decision making. Accountability and openness are crucial in ensuring that the department ensures this standard is maintained across the estate."*

92. In correspondence with the complainant the MOJ provided the following:

- *We recognise that disclosure in full would provide greater transparency and enable the public to be made aware of this database and its use in prisons. This could increase the public's operational understanding of how establishments maintain good order and security in prisons.*
- *It is important that the public have confidence in the operation of the prison system and there is a public interest in ensuring who we record the maintenance of prison buildings in a robust manner in compliance with formal operational standards and procedures.*
- *The public interest in maintaining public confidence in the high standards of the maintenance and good working condition of prisons is a key concern and one that is recognised by the MoJ. It is acknowledged that this might be enhanced by the release of*

*the requested information insofar as this would broadly further interests of transparency and accountability.*

93. In its submissions to the Commissioner, the MOJ submitted the following in favour of disclosure:

- *It is important for the MoJ and other departments to act transparently, making government more accountable to the public and increasing trust. Full disclosure of this data would demonstrate commitment to this idea, fostering greater public confidence.*
- *There is interest from parliamentarians, trade unions and the wider public in the condition and modernisation of the prison estate, and how public funds are spent. As such there is value in being able to demonstrate that government departments are acting in the interests of the taxpayer at large.*
- *Disclosure of the information might enable a greater understanding of the decision-making process, and providing this information would be consistent with the Government's commitment to fostering an ethos of transparency in public services.*
- *It is also of general interest to the public to demonstrate how management of the conditions experienced by offenders is undertaken, and how potential risk to the public is minimised.*

**Public interest considerations favouring withholding the information**

94. In correspondence with the complainant, the MOJ said:

- *The database holds details of all repairs which may directly or indirectly affect security measures. Should such information be released into the public domain, there is the potential for it to be exploited.*
- *Details of outstanding repairs that can be shared are already in the public domain and are contained in reports published by independent scrutiny bodies such as the Independent Monitoring Board and Her Majesty's Inspectorate of prisons.*

95. In its submissions to the Commissioner, the MOJ provided the following in support of withholding the information:

- *This data includes significant detail on maintenance issues related to security apparatus at all publicly operated prison sites in England and Wales. Figures 2, 3, 4, 5 and 6 [within Annex A]*

*demonstrate examples of data on the system related to security apparatus, such as doors and gates. The dataset doesn't specify if any given entry has security implications, and these examples have been gathered by keyword searches for assets likely to be associated with security.*

- *As well as individual entry lines that highlight security concerns, such as those in the below examples, it is possible multiple other lines of data could be used creatively to recognise a weakness in the security of a particular prison. This could include potential for those wishing to commit criminal acts to identify where opportunities exist for facilitating an escape from custody, smuggling contraband into prisons or causing harm to prisoners or staff.*
- *This risk exists from individuals and organised groups both inside and outside of prisons who may have cause to wish to harm a prisoner, harm a member of staff, or other incentives, through exploiting maintenance issues or exposed weaknesses.*
- *The MoJ has a responsibility to protect those lawfully detaining with the prison estate, and of this population a significant proportion are vulnerable persons. Likewise, as an employer an obligation exists to safeguard the staff in these establishments.*
- *Potential exists for information within this dataset to be taken out of context, providing a misleading picture to the public and causing unnecessary public anxiety around our ability to house prisoners and maintain public safety. This could cause unwarranted reputational damage to the Ministry.*
- *In addition, this dataset is frequently updated as faults are fixed and new ones emerge, and although issues may be rectified the dataset may not be updated to show this until later. As such, any hard version of the information would only be an ephemeral snapshot, quickly becoming no longer totally accurate. Thus, there is further potential for presenting a misleading picture to the public.*
- *Data is also not always entered in a constant way, with fields left blank or information entered in free text fields, meaning that considerable effort would be required to make extracts and present them in a consumable format. This would incur considerable organisational costs, which would not be in the interests of the taxpayer.*



***Balance of the public interest arguments***

96. 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 the identified prejudice from occurring – how much weight that will carry will depend on the severity of the prejudice and the likelihood of it occurring.
97. 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.
98. The Commissioner recognises that there will almost always be a public interest in transparency for its own sake and for the accountability of public bodies in the way that they spend taxpayers' money.
99. The Commissioner must weigh the foregoing against the public interest in maintaining section 31(1)(f) to all the redactions within the disclosed .xlsx spreadsheet.
100. She is also satisfied that significant regard is being given to maintaining the prison estate by virtue of the existence of the central database, which records all maintenance and repairs issues and what is being done to resolve/fix them.
101. She is mindful that details of outstanding repairs which can be shared are contained in publicly available reports, which have been scrutinised by independent monitoring bodies such as the Independent Monitoring Board.
102. In reaching her decision, the Commissioner has given significant weight to the risks outlined by the MOJ of providing security related information of use to those both within prisons and to the criminal fraternity externally, who are intent on exploiting any security weaknesses within a particular prison or prisons. This could result in those individuals facilitating escapes from prison, provide greater opportunity for sending in illegal contraband and for causing harm to prisoners and/or staff.
103. The Commissioner considers that the release of any additional information could allow an individual to build up a picture as to the types and frequency of maintenance issues within the prison estate which could be used for criminal activity.

***Conclusion***

104. The Commissioner is therefore satisfied that, in this case, the public interest favours maintaining the section 31(1)(f) exemption.



## **Section 14 – vexatious requests**

105. In this case, the MOJ first cited section 14(1) in June 2020. At that time it considered the request as a whole to be vexatious minus the summary table provided at internal review (see 'Scope' section of this notice). The MOJ later revised its position and disclosed the redacted .xlsx spreadsheet to the complainant.
106. The MOJ's current position is that it has cited section 14(1) in relation to the approach it has taken and said that any further consideration of the request and remaining redactions would engage section 14(1) of FOIA.
107. For clarity, MOJ took the approach of redacting entire lines of data within the .xlsx spreadsheet where it had identified that at least some of the information in those lines fell under section s31(1)(f). The Commissioner has found that section 31(1)(f) applies to certain data within the redacted lines of the database, but not in the blanket fashion in which it has been applied. Therefore, her analysis of section 14(1) applies to the information which has currently been withheld, and to which section 31(1)(f) does not apply.
108. The complainant has asked the Commissioner to consider whether the MOJ was entitled to apply section 31(1)(f) in what he describes as a blanket fashion. Following the conclusion reached on the MOJ's application of section 31(1)(f), she has next considered whether it would cause the MOJ undue burden to consider each individual redaction made under section 31 within the spreadsheet, which, as mentioned earlier, contains over 29,500 individual rows of data of which a significant proportion have been redacted on the basis that there is a high likelihood that they contain exempt information.
109. Section 14(1) of FOIA allows a public authority to refuse to comply with a request if it is considered to be vexatious.
110. The term 'vexatious' is not defined in FOIA. The Upper Tribunal (Information Rights) considered in some detail the issue of vexatious requests in the case of the *Information Commissioner v Devon CC & Dransfield* (GIA/3037/2011). The Tribunal commented that vexatious could be defined as the "*manifestly unjustified, inappropriate or improper use of a formal procedure*". The Tribunal's definition clearly establishes that the concepts of proportionality and justification are relevant to any consideration of whether a request is vexatious.
111. In the Dransfield case, the Upper Tribunal also found it instructive to assess the question of whether a request is truly vexatious by considering four broad issues: (1) the burden imposed by the request (on the public authority and its staff); (2) the motive of the requester;

(3) the value or serious purpose of the request and (4) harassment or distress of and to staff.

112. The Upper Tribunal did, however, also caution that these considerations were not meant to be exhaustive. Rather, it stressed the:

*“importance of adopting a holistic and broad approach to the determination of whether a request is vexatious or not, emphasising the attributes of manifest unreasonableness, irresponsibility and especially where there is a previous course dealings, the lack of proportionality that typically characterise vexatious requests”* (paragraph 45).

113. The Commissioner has identified a number of ‘indicators’ which may be useful in identifying vexatious requests. These are set out in her published guidance on vexatious requests<sup>2</sup>. In brief, these consist of, in no particular order: abusive or aggressive language; burden on the authority; personal grudges; unreasonable persistence; unfounded accusations; intransigence; frequent or overlapping requests; deliberate intention to cause annoyance; scattergun approach; disproportionate effort; no obvious intent to obtain information; futile requests; frivolous requests. The fact that a request contains one or more of these indicators will not necessarily mean that it must be vexatious.

114. In the Commissioner’s view, section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress. This will usually involve weighing the evidence about the impact on the authority and balancing this against the purpose and value of the request. This should be judged as objectively as possible; in other words, would a reasonable person think that the purpose and value are enough to justify the impact on the public authority.

115. The Commissioner’s guidance on section 14 clarifies that a public authority is not able to cite section 12 of FOIA for the cost and effort associated with considering exemptions or redacting exempt information. However, it goes on to say:

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<sup>2</sup> <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

*"Nonetheless, it may apply section 14(1) where it can make a case that the amount of time required to review and prepare the information for disclosure would impose a grossly oppressive burden on the organisation".*

116. In particular, the Commissioner accepts that there may be cases where a request could be considered to be vexatious because the amount of time required to review and prepare the information for disclosure would place a grossly oppressive burden on the public authority. This is the position adopted by the MOJ in this case in carrying out any further consideration of the database for potential disclosure.
117. The Commissioner believes that there is a high threshold for refusing a request on such grounds. This means that a public authority is most likely to have a viable case where:
- the requester has asked for a substantial volume of information **and**
  - the authority has real concerns about potentially exempt information, which it will be able to substantiate if asked to do so by the Commissioner **and**
  - any potentially exempt information cannot easily be isolated because it is scattered throughout the requested material.
118. It is the MOJ's position that to comply with the request in full, as in to consider the application of section 31 and section 38 to each individual field in the database would be burdensome to the MOJ and would require a disproportionate effort.
119. The Commissioner notes that the MOJ has reconsidered its position during her investigation and provided the complainant with a further disclosure.
120. The Commissioner understands that to provide the complainant with exactly what he wanted would necessitate a review of each line of the data as disclosure in full. This could potentially lead to the disclosure of exempt information related to the maintenance of security and good order in prisons. The MOJ provided examples to the Commissioner to support this position.
121. The MOJ also explained that removal of any exempt information from the data was not an easy task and could not be completed in full by automated means.

122. On 15 June 2020, the MOJ provided further support of its position that the to carry out any further work on the request would be vexatious on the basis of oppressive burden. The MOJ advised the complainant that:

*"It is considered that the burden on department staff in complying with the request is likely to cause a disproportionate and unjustified level of disruption, which is disproportionate to the purpose and value of the request. Whilst we fully appreciate that the condition of the prison estate is rightly a matter of public interest, providing the entirety of this information as requested, given the work required to ensure any sensitive information is excluded would constitute a significant time and manpower investment. This would take away staff time from working to rectify maintenance issues.*

*This is especially the case that information in the database would need to be considered individually to determine if it should be released or exempted. The material in scope of the request amounts to a substantial body of information, which would run to 2,760 pages if printed. Within this information are included sections which would not be disclosable, due to their sensitive nature, and which would have to be withheld. This could under S31(1)(f) if disclosure would, or would be likely to, prejudice the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained. Likewise in some cases S38(1) may apply should information have the potential to endanger the safety or physical or mental health of any individual.*

*It is very likely that the material may contain information which has the potential to enable those with other knowledge to undertake activities which could undermine the security and good order of a prison or put vulnerable individuals at risk. This is especially a concern when specific locations can be identified, either directly or through other knowledge of a site or sites. Some data if released, may also potentially impact also on the safety of prisoners and prison staff. The size of the dataset presents significant difficulties in isolating potentially exempt information from the disclosable information, which is scattered throughout the database and not necessarily quickly or easily identifiable as a security risk, as well as presenting considerable difficulties in identifying and risk assessing what information would be otherwise appropriate for disclosure.*

*We are, therefore, of the view that to thoroughly review this very large amount of material for any possible valid exemptions would have a considerable detrimental impact on the department; this*

*work would divert considerable resources ...] within HMPPS away from critical work at this time – HMPPS' priorities during the current Covid-19 emergency must be to safeguard prisoners, staff and the public. Whilst information rights remain central to the department's commitments, on balance we have decided we cannot comply with your request during the current crisis [...]*

*We note that in the case of the information Commissioner vs Devon County Council & Dransfield [2012] UKUT 440 (AAC), (28 January 2013), the Information Tribunal has stated that section 14 must be to protect the resources of a public authority from being squandered on disproportionate use of FOIA. In this instance, and in the current circumstances, we conclude that the request does constitute such disproportionality; we consider that the detrimental impact, in terms of disruption and distress to members of staff within HMPPS would be considerable at this time, for the reasons set out in the above paragraph..."*

123. The MOJ then cited three decision notices (see links in the footer below<sup>3</sup>), which it said it had taken account of, as they were for similar data requests. It also invited the complainant to consider refining his request to reduce the scope.

124. In further support of its position that the to carry out any further work on the request is vexatious (its current position) on the basis of oppressive burden, the MOJ additionally told the Commissioner:

*"...If the MoJ has to peruse and consider each line and field of the entire data available on the database/system it would require significant input from a number of colleagues to ensure that sensitive information was accurately excluded. The need for input from colleagues with specialised knowledge of the information would also take staff time away from rectifying maintenance issues. This is in addition to the significant amount of staff time already spent on this request. We therefore believe that this*

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<sup>3</sup> <https://ico.org.uk/media/action-weve-taken/decision-notices/2019/2616541/fs50854993.pdf>  
<https://ico.org.uk/media/action-weve-taken/decision-notices/2019/2614462/fs50786495.pdf>  
<https://ico.org.uk/media/action-weve-taken/decision-notices/2019/2614808/fs50812426.pdf>

*would be and unjustified level of work and is disproportionate to the purpose and value of the request.*

*In support of our submission that the FOI request is vexatious, we rely on the ICO Decision Notices in the following cases..." (see footnote 5).*

### *The Commissioner's position*

125. With regard to the first criterion (ie that the complainant had asked for a substantial volume of information), the Commissioner accepts that, given the breadth of the request, seeking as it does a copy of an entire central database for all prison maintenance and repairs, a considerable amount of information falls within the scope of the request. She has been advised by the MOJ that data falling in scope of the request dates back to October 2014 and that the database as at July 2020 equated to 132900.49 MB (see 'Background' section of this notice).
126. With regard to the second criterion (ie real concerns about potentially exempt information), given the subject matter of request, the Commissioner accepts that the MOJ's concerns about exempt information being caught by the request. This would legitimately include personal information (section 40 of FOIA), the maintenance of, security and good order in prison establishments (section 31 of FOIA) and potentially section 38 (if the MOJ can produce supporting arguments).
127. The unredacted version of the Excel spreadsheet released to the complainant was sent by the MOJ to the Commissioner. Her version contains all the information with the redactions intact but highlighted. The data is displayed with redacted rows appearing at intervals, sometimes in groups, sometimes singly.
128. The Commissioner saved the MOJ's Excel spreadsheet as a new 'working document' so she could make changes to how the information was displayed to aid her review.
129. She used Excel to hide a significant proportion of the rows of data (disclosed by the MOJ to the complainant during her investigation), so that only the redacted withheld information remained. This process took her several hours and she did not complete it in its entirety due to the time and disproportionate burden this would have placed on her. However, she worked on the spreadsheet such that she had 10,000 rows of withheld data in front of her.
130. The Commissioner notes that the MOJ took the approach within the disclosed .xlsx spreadsheet of withholding the entire row of data where



it had identified that at least part of that row contained exempt information.

131. The volume of information under consideration in this request is clearly substantial. The Commissioner believes it is sufficiently clear from a consideration of the scope of the request that reviewing this information any further to check for and redact exempt material would pose a very significant burden. In her role as DPA and FOIA regulator, she would also not be supportive of any suggestion that this information could be disclosed without being carefully checked for exempt material. She considers a thorough exercise aimed at avoiding any inappropriate disclosure of personal data, or otherwise exempt material, to be an unavoidable requirement if the complainant's request was complied with any more than it has been to this point. Indeed, she has herself spent considerable time reviewing the withheld information contained in the .xlsx spreadsheet and has had to limit herself to a significant sample for the same reasons.
132. With regard to the third criterion (ie any potentially exempt information cannot easily be isolated because it is scattered throughout the requested material), the Commissioner is satisfied that the MOJ has demonstrated that it would be burdensome to it to identify any further potentially exempt information and prepare / redact it for publication.
133. The Commissioner is aware that the MOJ took the approach within the disclosed .xlsx spreadsheet of withholding the entire row of data where it had identified that at least part of that row contained exempt information. She has considered the MOJ's submissions in their entirety and accepts that it has taken a proportionate approach in order to provide the complainant with some of the information that he had requested. Further, she accepts the MOJ's stance that to carry out any further work on the spreadsheet would place a grossly excessive burden upon it.
134. The Commissioner also acknowledges that the MOJ's resources are finite and need to be targeted appropriately.
135. The Commissioner is therefore satisfied that the MOJ has demonstrated that the three criteria are met and consequently that the MOJ has provided evidence to demonstrate that complying with the request would place a grossly excessive burden on it. Nevertheless, the Commissioner will consider whether the purpose and value of the request are enough to justify the impact on the MOJ and here she has taken into account the further arguments which have been provided by the MOJ.



136. The Commissioner recognises that there is an inherent value in the disclosure of information, given the associated benefits of openness and transparency. She also recognises the general public interest in this subject matter, ie the maintenance of the prison estate, and accepts that there is a legitimate value and purpose in disclosure.
137. However, she further notes that the MOJ has provided a substantial amount of the non-exempt requested information in this case and that there is other publicly available information which has been scrutinised by independent bodies to satisfy the public interest to a large extent.
138. The detrimental impact or burden upon the MOJ has been described within this notice. The large amount of data which is caught within the scope of the request is also likely to encompass information that is exempt from disclosure under further exemptions, namely sections 40 and 31, and potentially 38, of FOIA.
139. Whilst the complainant has advised that he does not require personal data, the only way of removing it from these free text fields prior to disclosure would be to read them, make a judgement as to their sensitivity, and then manually redact that data.

### *Conclusion*

140. Taking all of the factors into consideration, the Commissioner does not agree that the purpose and value of the request is sufficient to justify the burdensome impact on the MOJ. She therefore finds that to carry out any further work on this request would engage section 14(1) vexatious request. In the Commissioner's view, any further disclosure of the information held on the database would necessitate a detailed and considered review and redaction of data to ensure no personal data - or information caught by section 31 and section 40 (and potentially section 38) is disclosed.

### **Other matters**

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141. The Commissioner wishes to highlight here that her investigation into this case has unfortunately been protracted. In her view, this is mainly due to the MOJ revising its position during her investigation several times and ultimately making a further disclosure, with information redacted under newly cited exemptions, which the Commissioner then had to investigate. Whilst acknowledging the MOJ's attempts to assist the complainant with his request, the Commissioner considers they have added a layer of complexity and additional time into the process.

## Right of appeal

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142. 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](mailto:grc@justice.gov.uk)

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

143. 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.

144. 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 .....**

**Laura Tomkinson  
Interim Group Manager  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**