

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 24 May 2021

Public Authority: West Lindsey District Council
Address: Guildhall
Marshall's Yard
Gainsborough
Lincolnshire
DN21 2NA

Decision (including any steps ordered)

1. The complainant requested information relating to a planning application. The council initially disclosed some information however it redacted the names of some individuals under Regulation 13(1). On review the council continued to rely upon Regulation 13(1), applied Regulation 12(4)(e) to a small section of information, and also said that it was applying Regulation 12(4)(b) on the basis that the request was vexatious and part of a campaign.
2. The Commissioner has not found it necessary to consider the application of Regulation 12(4)(b) as the council responded to the complainant's request. She has decided that the council was not correct to apply Regulation 12(4)(e) to withhold information. She has however decided it was correct to apply Regulation 13(1) to redact the personal data from the disclosed information. She has also decided that, on a balance of probabilities, the council does not hold any further information falling within the scope of the request. Finally, she has decided that the council did not comply with the requirements of Regulation 5(2) in that it did not provide all of the information to the complainant within 20 working days.

3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - To disclose the information withheld under Regulation 12(4)(e), subject to redactions under Regulation 13(1) as per the remainder of the disclosed information.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 1 July 2020, the complainant wrote to the council and requested information in the following terms:

"Please under the 'Environmental information Regulations 2004, provide all correspondence (written, electronic, recorded, minuted) concerning the above application. This should include any third party, Council Officer, Council member or any other person regarding the above mentioned planning application.

To simplify the request, I do not require communications from or directly to myself, however I would like all other communications please. I will accept redactions if they can be justified under the meaning of said act, rather than delay, I will also accept items as they become available. I am particularly interested in all communications (but not limited to) between the case officer and the applicant, any member of the WLDC planning committee and the Environmental Protection Officer [name of officer redacted]."

6. The council responded on 8 July 2020. It disclosed information however it applied Regulation 13(1) and redacted some personal data from the documents disclosed.
7. Following an internal review, the council wrote to the complainant on 13 July 2020. It upheld its initial decision, however it also applied section 12(4)(e) to some information (internal communications), and also said that it considered the complainant's request to be part of a campaign and vexatious under Regulation 12(4)(b).

Scope of the case

8. The complainant contacted the Commissioner on 17 July 2020 to complain about the way his request for information had been handled.
9. He argued that further information should be held. He disagreed that all personal data should have been redacted under Regulation 13(1), and he disputed that his request was manifestly unreasonable under Regulation 12(4)(b).
10. During the course of the Commissioner's investigation the Commissioner asked the council a number of questions regarding the searches which it had carried out to determine whether all of the information had been located. The council subsequently located further information, which it disclosed to the complainant with redactions made under Regulation 13, on 1 April 2021.

Reasons for decision

Regulation 12(4)(b)

11. Section 12(4)(b) of EIR states that:

"For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that –

(b) the request for information is manifestly unreasonable;"

In general, the application of section 12(4)(b) provides the council with the right to refuse to respond to a request further.

12. If Regulation 12(4)(b) is applicable the council would not be under an obligation to respond further to the request. Insofar as complaints made to the Commissioner, it would generally be necessary for her to consider the application of the exception and make a decision prior to moving on to consider whether any other exceptions are applicable if her decision was that the exception did not apply.
13. However, as regards the complainant's request in this case, the council clarified that in spite of considering that the exception was applicable to the request it had chosen to respond in this instance.

14. The council did not therefore withhold information on the basis that Regulation 12(4)(b) applied, and it is not therefore necessary for the Commissioner to consider the application of this exception further.
15. She can therefore go on to consider the council's application of section 12(4)(e) and section 13(1) to the request.

Regulation 13(1) – Personal data

16. Regulation 13(1) of the EIR provides that information is exempt from disclosure if it is the personal data of an individual other than the requester and where one of the conditions listed in regulation 13(2A), 13(2B) or 13(3A) is satisfied.
17. In this case the relevant condition is contained in regulation 13(2A)(a)¹. This applies where the disclosure of the information to any member of the public would contravene any of the principles relating to the processing of personal data ('the DP principles'), as set out in Article 5 of the General Data Protection Regulation ('GDPR').
18. The first step for the Commissioner is to determine whether the withheld information constitutes personal data as defined by the Data Protection Act 2018 ('DPA'). If it is not personal data then regulation 13 of the EIR cannot apply.
19. Secondly, and only if the Commissioner is satisfied that the requested information is personal data, she must establish whether disclosure of that data would breach any of the DP principles.

Is the information personal data?

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

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

21. The two main elements of personal data are that the information must relate to a living person and that the person must be identifiable.
22. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or

¹ As amended by Schedule 19 Paragraph 307(3) DPA 2018.

more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

23. Information will relate to a person if it is about them, linked to them, has biographical significance for them, is used to inform decisions affecting them or has them as its main focus.
24. The information which has been redacted is the identities and contact details (primarily email addresses) of council officers and third parties. The information would provide both the name and the identity of the individual together with a direct means of contacting them.
25. In the circumstances of this case, having considered the withheld information, the Commissioner is satisfied that the information relates to the individuals concerned. She is satisfied that this information both relates to and identifies the individuals concerned. This information therefore falls within the definition of 'personal data' in section 3(2) of the DPA.
26. The fact that information constitutes the personal data of an identifiable living individual does not automatically exclude it from disclosure under the EIR. The second element of the test is to determine whether disclosure would contravene any of the DP principles.
27. The most relevant DP principle in this case is principle (a).

Would disclosure contravene principle (a)?

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

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

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

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

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

"processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child"².

33. In considering the application of Article 6(1)(f) of the GDPR in the context of a request for information under the EIR, it is necessary to consider the following three-part test:-

- **Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information;
- **Necessity test:** Whether disclosure of the information is necessary to meet the legitimate interest in question;
- **Balancing test:** Whether the above interests override the legitimate interest(s) or fundamental rights and freedoms of the data subject.

34. The Commissioner considers that the test of 'necessity' under stage (ii) must be met before the balancing test under stage (iii) is applied.

Legitimate interests

35. In considering any legitimate interest(s) in the disclosure of the requested information under the EIR, the Commissioner recognises that such interest(s) can include broad general principles of accountability and transparency for their own sakes, as well as case-specific interests.

² Article 6(1) goes on to state that:-

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

However, regulation 13(6) EIR (as amended by Schedule 19 Paragraph 307(7) DPA) provides that:-

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

36. Further, a wide range of interests may be legitimate interests. They can be the requester's own interests or the interests of third parties, and commercial interests as well as wider societal benefits. They may be compelling or trivial, but trivial interests may be more easily overridden in the balancing test.
37. The council said that, as regards accountability and transparency, it released the names of individuals involved who were already known, and it also disclosed the identities of officers in decision making positions. Following on from this it did not consider there to be a legitimate interest in the release of third-party names or council officers who were not working in a decision-making capacity. For instance, although the name of the planning applicant is known, it has redacted his direct email address from within the disclosed information. It has also disclosed the direct contact details of some consultants which were involved. However, the remainder of the correspondence has been disclosed.
38. The Commissioner recognises that there is always a legitimate interest in creating greater transparency in council decisions and affairs. The wider issue in question is a planning application to increase the current grain drying equipment and facilities within an already existing site. The increase has the potential to increase the noise being emitted by the site, as well as the traffic to and from the site during harvest time.
39. As regards planning matters, there is a general expectation that applications will be dealt with as transparently as possible in order that council decisions are taken openly, and the council is accountable for its actions in agreeing or refusing an application. A disclosure of names of individuals can also create reassurance that no conflicts of interest arise with the actions and decisions taken by council officers as regards any particular applications.
40. The Commissioner therefore recognises that the public does have a legitimate interest in the disclosure of the information. She considers, however, that this is greatly weakened in this case by the fact that the details of decision makers and the identity of known individuals (such as the applicant), have been disclosed where they are already known. She also accepts that the vast majority of the information has been published on the council's planning portal, as is normal for planning applications. The information already disclosed therefore creates a significant degree of transparency about the council's actions already, without the remaining personal data being disclosed.

Is disclosure necessary?

41. 'Necessary' means more than desirable but less than indispensable or absolute necessity. Accordingly, the test is one of reasonable necessity and involves consideration of alternative measures which may make disclosure of the requested information unnecessary. Disclosure under the EIR must therefore be the least intrusive means of achieving the legitimate aim in question.
42. As noted above, the council has disclosed the identities of known individuals, together with officers in decision making positions within the department. It has disclosed the vast majority of the information, redacting only the identities and contact details of individuals where it considers it necessary to do so to protect their personal data privacy rights.
43. The council said that:

"The request itself asks for "all correspondence (written, electronic, recorded, minuted) concerning the above application. This should include any third party, Council Officer, Council member or any other person regarding the above mentioned planning application." Where this has been provided we would consider the release of personal data of third parties (names) to not be necessary in order to respond to the request for all correspondence. The applicant further stated "I am particularly interested in all communications (but not limited to) between the case officer and the applicant, any member of the WLDC planning committee and the Environmental Protection Officer [name of officer redacted]" Of which a reasonable search was carried out and the information provided."
44. Therefore, the council's view is that the complainant's legitimate interests in understanding decisions made and holding the council to account can be met without the disclosure of the personal data of the individuals involved. The council said that the individuals do not have sufficient decision-making authority to warrant them being held publicly accountable.
45. The council reported that individuals that have been named in connection with this matter, have, in the past, received abuse and threats from the complainant. It argued that the complainant's persistence in pursuing the names of its officers appears to be less about holding the council to account regarding its decision making, but rather an attempt to harass individuals. Hence its decision to apply Regulation 12(4)(b) at the internal review stage of the process.

46. The council said that it is reasonably sure that the release of these names to the complainant could result in damage or distress given council officers' previous communications with him. The complainant disputes this and argues that he has been polite in his dealings with the council at all times.
47. The council argues that disclosing names of individuals for no other reason than to satisfy the complainant and not in any way to advance the information already released would be a breach of trust to its employees which would not be supported by their rights under the DPA.

The Commissioner's conclusions on 'necessity'

48. The Commissioner understands that the council's redaction of the requested information is on the basis that it is not necessary to disclose the actual names and contact details of the individuals in order to meet the public's legitimate interest in creating transparency over its actions and decisions in this case. However, the council considers that it is necessary to disclose the details of known individuals and those in decision-making roles for it to be transparent about the correspondence which was taking place over the issue. This feeds into the legitimate interests of the public in identifying that the actions of the parties were appropriate and the ensuring that the council is accountable for its actions.
49. The council has in effect, made a judgement on the necessity of disclosing the actual names in order to meet the legitimate interests of the public. It has decided that the legitimate interests can be met without the disclosure of identities in this instance. The council considers that it is not necessary to disclose the identities of the individuals to meet the public's legitimate interests. The Commissioner agrees with this approach.
50. The Commissioner accepts the council's argument that it is not necessary for the council to disclose information on mid-level and junior officers that did not have decision-making responsibilities without the oversight from more senior managers. In this respect, it is the council as a whole which is accountable for any issues in the way a planning application is considered, and for any recommendations made to the planning committee. She also accepts that redacting the contact details of the applicant and other third parties is reasonable as it is not necessary to disclose these in order to meet the public's legitimate interests in creating transparency over the process.
51. The Commissioner considers that there is only a very weak legitimate interest in the disclosure of the identities of mid-level and junior employees who do not have sufficient decision-making powers to be

held accountable for their actions individually. At this level they are accountable to the council, as its employees. At a more senior level this balance may tip in favour of disclosure in order that the public may be aware of senior officers' decisions and actions, although it is still for the council, not the public, to hold the actions of its employees to account. Any failure of the council as a whole can be addressed by the electorate through the election process.

52. The Commissioner has consistently maintained in previous decision notices that, whilst it might be appropriate for senior staff to be held publicly accountable for decision-making, there is little public interest in identifying junior or mid-level staff who are ultimately responsible to the council for such matters rather than the public directly. Moreover, in addition to having a reasonable expectation that their names would not be placed in the public domain, the legitimate public interest in disclosure has been met by the disclosure of the content of the remainder of the correspondence in this instance. The complainant's arguments for holding officers accountable does not take into account that it is the council which is ultimately responsible for the actions of its employees, not the public directly.
53. The Commissioner is satisfied that the public interest in accountability has been served by the information which the council disclosed. The legitimate interest in knowing their identities would also be outweighed by the loss of privacy and the distress and anxiety which might be caused if their personal data was disclosed.
54. The Commissioner has outlined, above, that she agrees with the council's approach in balancing the disclosure of known individuals against officers and individuals who do not have sufficient decision-making powers in this case. It is not necessary to specifically identify the remaining individuals within the context of this disclosure in order to meet the legitimate interests of the public in holding the council to account, particularly given the overall disclosure of the remaining information.
55. On consideration of all of the above, the Commissioner finds that it was not necessary in this case, for the council to disclose the requested information to the complainant in order to meet the legitimate interests of the public in the council being transparent and accountable for its past actions.
56. Due to the Commissioner's decision that disclosure is not necessary to meet the legitimate interest, she has not gone on to conduct the balancing test. Therefore, as disclosure is not necessary, there is no lawful basis for this processing, and it is unlawful. For that reason, it does not meet the requirements of principle (a).

57. The Commissioner has decided that the council was entitled to withhold the information under Regulation 13(1), by way of Regulation 13(2)(a).

The Commissioner's view

58. The Commissioner has therefore decided that the council was entitled to withhold the information under Regulation 13(1), by way of Regulation 13(2A)(a).

Regulation 12(4)(e)

59. The council applied Regulation 12(4)(e) to some information which it considered to be internal communications. It argued that the exception applies as it needed thinking space in order to have free and frank discussions.
60. It further argued that it would cause damage to the council's ability to discuss working practices if officers were unable to provide free and frank opinion or advice without fear of their opinions, and as such their personal information, being disclosed.
61. The withheld information relates to discussions between council staff relating to the issue of the planning application, and specifically, to the measurement and estimation of the sound levels which would be produced by the facility if the planning application were to be approved.
62. Having considered the withheld information the Commissioner is satisfied that it is internal communications between officers of West Lindsey District Council, and that the exception is therefore engaged.
63. Regulation 12(4)(e) is subject to a public interest test. The test is set out in Regulation 12(1). The test is whether, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.
64. When carrying out this test, the Commissioner has taken into account the requirements of Regulation 12(2). This requires that a public authority shall apply a presumption in favour of disclosure of the information when carrying out the public interest test.

The public interest

The public interest in favour of maintaining the exception

65. The council argues that it would cause damage to the authority's ability to discuss working practices if officers were unable to provide free and frank opinion or advice without fear of their opinions and as such personal information being disclosed.
66. It further argues that the reasoning behind not wishing the correspondence to be disclosed is that it was an informal discussion and shows the workings out of its officers using its internal systems to create tables.
67. It argued that these tables and information would not at any point form part of any agreement and did not affect the application. It also said that they were only recorded in email due to the restrictions in place with the Covid 19 pandemic. It said that its officers' ability to discuss information informally and consider disagreements would not be information normally disclosed in this situation as this would not usually be documented.
68. It confirmed that the officers concerned expressed the view that they do not wish for these conversations to be disclosed as they show disagreements and irrelevant workings out.

The public interest in the information being disclosed

69. There is always a general public interest in creating greater transparency and accountability insofar as the actions and decisions of public authorities are concerned.
70. Regulation 12(2) recognises a clear presumption in favour of environmental information being disclosed and requires that authorities take into account this presumption when reaching decisions on the application of exceptions to withhold information.
71. The issue under discussion related to how particular aspects of the application should be measured and quantified. The wider issue which the discussion relates to rests at the heart of the issues which arise from the planning application – the levels of noise estimated if the planning application were to be approved. As such, the Commissioner considers that there is a strong public interest in the disclosure of information which shows how the council approached the issue. Disclosure would highlight any question about the council's understanding of the facts and figures and would demonstrate any weaknesses in the estimates it ultimately will take into account in its decision making.

72. As the council noted, the information relates to part of its 'working out' in respect of the planning application. The decisions taken within the discussion would lead on to inform part of the evidence which ultimately is included within its final recommendations to the planning committee. As such, the discussion is a useful section of information which highlights the thoughts of officers on how the evaluation should be carried out.

73. The final decision on the planning application was made on 30 June 2020 and so the planning decision had been reached shortly before the complainant made his request for information. There was no ongoing requirement for private thinking space to be retained by the point that the request was made therefore. The Commissioner's guidance on the application of Regulation 12(4)(e) provides, at paragraph 50, that

Once a public authority has made a decision, a safe space for deliberation will no longer be required and the argument will carry little weight. The timing of the request will therefore be an important factor.³

74. Whilst the council argues that the workings out are irrelevant to the application itself, the Commissioner considers that if there are areas of disagreement over, for instance, how factors should be quantified, measured or recorded then this goes to the heart of the issues which the public would be concerned about – that any prospective changes to the land, and the area surrounding it, are accurately measured or estimated, and therefore fully considered with the appropriate weight attached, prior to decisions being reached.

75. The council argues that the current pandemic resulted in information being recorded where it would not have normally. However, this is not a relevant matter for the Commissioner to take into account. The information was recorded, and it has been retained by the council. As the information is held it becomes open for request and therefore for consideration for disclosure.

The Commissioner's conclusions

76. Taking all of the above into account the Commissioner's decision is that the council was not correct to apply Regulation 12(4)(e) to withhold the information.

³ https://ico.org.uk/media/for-organisations/documents/1634/eir_internal_communications.pdf

Regulation 12(4)(a) – is further information held

77. Regulation 12(4)(a) provides that a public authority may refuse to disclose information to the extent that it does not hold it when an applicant's request is received.
78. The council initially said that it had disclosed all of the information which it held which it had not applied exceptions to. The complainant disputed this, however.
79. In scenarios such as this one, where there is some dispute between the public authority and the complainant about the amount of information that may be held, the Commissioner, following the lead of a number of First Tier Tribunal decisions, applies the civil standard of the balance of probabilities.
80. For clarity, the Commissioner is not expected to prove categorically whether the information is held, she is only required to make a judgement on whether the information is held on the civil standard of the balance of probabilities.
81. In deciding where the balance of probabilities lies, the Commissioner will consider the complainant's evidence and arguments. She will also consider the searches carried out by the public authority, in terms of the extent of the searches, the quality of the searches, their thoroughness and the results the searches yielded.
82. She will also consider any other information or explanation offered by the public authority (and/or the complainant) which is relevant to her determination.
83. During the course of her investigation, the Commissioner asked the council to describe the searches it carried out for information falling within the scope of the request, and the search terms used. She also asked other questions, as is her usual practice, relating to how it established whether or not it held further information within the scope of the request.
84. As a result of carrying out further checks on the initial searches which had been carried out, the council located further information in an area which it had not considered previously. It disclosed this information, subject to redactions under Regulation 13, on 1 April 2021. The redactions which it made to this information have been taken into account in the analysis of Regulation 13 above.
85. The Commissioner has also considered the council's responses to her questions regarding the searches which it carried out in order to reach a decision as to whether any further information may be held.

86. The council said that its Environmental Protection (EP) Team Manager had carried out a search of its 'Flare' systems as well as a search through the EP officers email accounts involved in the application.
87. It said that searches were carried out through the planning departments email accounts for those officers involved within the planning application, and a further search was carried out on the planning system for anything relevant to the request for information. It said that the planning department are required by law to publish information pertaining to the application for public viewing.
88. It said that during the committee regarding this application all members are required to provide a declaration regarding any involvement they have had regarding the application, this related to ties with the planning application itself and communications regarding it. It confirmed that no members of the committee declared any correspondence or involvement with the application. It said that it had made contact with each member directly to reconfirm that no information is held, and provided transcriptions of each councillor's response confirming that no information is held by them.
89. It described the search terms used to carry out an appropriate search, including the application number, the title of the application, and complainant's name, and that searches were completed on individual email accounts and throughout the systems it uses to record EP and planning information.
90. It said that any information would be held electronically as at the time of the planning application the committee the council had implemented working from home for all non-essential staff. The committee was also held virtually.
91. It confirmed that the recording of the planning committee meeting has now expired and that a number of skype conversations have been deleted. It said that Planning Committee webcasts are kept for 6 months from the date of the recording. It said that whilst it may be able to retrieve a copy of this, at a cost to the council, it is aware that the complainant joined the committee webcast at the time. The Commissioner is satisfied, however, that a webcast recording of the planning committee meeting would not fall within the scope of the complainant's request, which was specifically for 'correspondence'.
92. As regards its records retention policies, it said that consultations and information regarding a planning application which form part of the overall application are kept indefinitely within the planning application for public viewing. It said, however, that it considers that there is no business need to retain all communications regarding the planning

application where they do not have an impact on the outcome of the application itself.

93. It said that the statutory requirements upon the council to retain information are contained within the following legislation:

*Planning information – Town and Country Planning Regulations 2012.
Democratic Services – Local Government Act 1972, Licencing Act 2003*

The Commissioner's decision

94. The Commissioner is satisfied that, with the further searches carried out in March 2021, the council has now carried out adequate and appropriate searches of the areas necessary in order to reach a conclusion that, on a balance of probabilities, no further information is held by it.
95. Having considered both the arguments of the council, and of the complainant in this instance, the Commissioner has seen no evidence that the council holds any further relevant information in this case.
96. This being the case the Commissioner has decided that, on a balance of probabilities, the council does not hold any further information falling within the scope of the complainant's request for information.
97. She has therefore decided that, on a balance of probabilities, the council has now complied with the requirements of Regulation 5(1).

Regulation 5(2)

98. Regulation 5(1) provides that –

"Subject to paragraph (3) and in accordance with paragraphs (2), (4), (5) and (6) and the remaining provisions of this Part and Part 3 of these Regulations, a public authority that holds environmental information shall make it available on request."

99. Regulation 5(2) provides that –

"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request."

100. The complainant made his request for information on 1 July 2020. The council initially responded on 8 July 2020; however, its response did not include the further information which it located. This was subsequently disclosed on 1 April 2021. This falls outside of the 20 working days required by Regulation 5(2).

101. The Commissioner therefore considers that the council did not comply with the requirements of Regulation 5(2).

Right of appeal

102. 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

103. 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.

104. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Andrew White
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