

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 May 2021

Public Authority: Ministry of Justice
Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant requested information relating to a project about how to support prisoners' contact with family and loved ones. Initially, only one presentation ('P1') was identified in scope by the Ministry of Justice (the 'MOJ'), which was withheld on the basis of sections 35(1)(a) (formulation of government policy) and 43(2) (commercial interests) of the FOIA. The MOJ also said it did not hold the remaining requested information.
2. During the Commissioner's investigation, the MOJ partly disclosed some of the background detail within P1. It also located another presentation ('P2'), which it said was exempt in its entirety under sections 35(1)(a), 40(2) (personal information) and 43(2) of the FOIA. (The complainant confirmed he did not want the Commissioner to consider the information redacted under section 40(2), so she has not considered this exemption any further).
3. During the latter stage of the Commissioner's investigation, the MOJ said that it considered all of P1, including that information which it had already disclosed, to be exempt under section 35(1)(a) of the FOIA; it maintained that some parts were additionally exempt under section 43(2).
4. The Commissioner's decision is that the MOJ was not entitled to rely on section 35(1)(a) for the background parts of P1 already disclosed to the complainant, with the exception of the slide entitled 'Methodology'. However, as this background information has already been provided to the complainant, the Commissioner has not ordered it to be disclosed.

5. With respect to P2, which was withheld in its entirety, the Commissioner has identified some content which is already in the public domain. The Commissioner's decision is that this information is not exempt by virtue of section 35(1)(a) and should be disclosed as set out in the step at paragraph 8 below.
6. The Commissioner finds that the MOJ correctly relied on section 35(1)(a) to withhold the remaining information. Accordingly, she has not found it necessary to consider the MOJ's reliance on section 43(2) of FOIA.
7. The Commissioner has also decided, on the civil standard of the balance of probabilities, that the MOJ does not hold any further information.
8. The Commissioner requires the MOJ to take the following steps to ensure compliance with the legislation:
 - Disclose slides on pages 2, 3, 4 and 5 from P2 to the complainant.
9. The MOJ 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.

Background

10. In correspondence with the complainant during the Commissioner's investigation, the MOJ provided the following detail about the background to the review which is the subject of this request:

"Its purpose was to consider lessons learned from the Family Services procurement process. Prison Governors had recently been given autonomy to procure services, and a framework had been developed from which they could select providers to deliver family services. This process entailed three phases:

- i. local strategies were developed by Governors, and the services they wished to procure were offered in regional and thematic lots*
- ii. family services providers applied to be added to the framework; and*
- iii. providers bid to deliver services in the identified prisons. Governors and their representatives evaluated the bids, and services were contracted to commence on 1 October 2017 for three years, with provision for a fourth.*

A team in Her Majesty's Prison & Probation Service was asked to facilitate an exercise to learn the lessons from how this process had worked. This took the form of confidential discussions with a range of internal and external colleagues, from which a short report, entitled Strengthening Prisoners Family Relationships, was produced to aid our reflections for future contracting models.

The review identified a range of issues that had resulted from the process, including how effective the model had been; whether the strategy for the family services was correct; what worked well; and what needed to be improved. Findings were intended to support the business to select the most efficient model for future procurement of services.

Since the review, further developments – not least the constraints and challenges resulting from the Covid-19 pandemic – have meant that we need to revisit the process to take into consideration what the services need to achieve and the model we need to use in the next procurement round. Once we have done that, we intend to produce a summary of our findings, which we plan to make publicly available.”

11. In addition, the MOJ explained:

“Although the Strengthening Prisoners Family Relationships review was completed in 2019, it is only part of a larger process, which has been delayed by the restrictions arising from the pandemic [ie Covid-19] and the need to prioritise work to combat it. The pandemic has also had the effect of altering the arrangements for family contact, some of which changes are likely to continue after the current prison regime restrictions are lifted. As well as taking account of the work already been done by the review, therefore, future policy needs to be based on a full assessment of the implications of those changes.”

12. The MOJ said that the policy review process will not be concluded until it announces the new policy when new contracts are let.

13. In relation to its correspondence with the Commissioner, the MOJ has identified some aspects that it considers to be confidential. Whilst the Commissioner has taken these wider explanations about the set-up and deliverance of the project into account in reaching her decision in this case, she is not at liberty to reproduce them in this notice.

14. In considering this case, the Commissioner has also reviewed the content of Lord Farmer's 2017 review report entitled '*The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime*'. This report is in the public domain on the gov.uk website¹ and was the precursor to the information identified in scope of part 2 of the request under consideration here. This report contains the information which the Commissioner has identified as being in the public domain and therefore disclosable (see paragraph 8 above).

Request and response

15. On 4 May 2020, the complainant wrote to the MOJ via the *WhatDoTheyKnow.com*² website and requested information in the following terms:

"My request relates to a research/policy-making project which I understand was carried out by the MoJ's User Centred Policy Design (UCPD) group. The project was a review of how to support prisoners' contact with their families and other loved ones, to help strengthen beneficial relationships. It aimed to share best practice and come up with ideas for future development. In case it helps you to identify the piece of work I am referring to:

- I believe it was ongoing in June 2019.

- I believe that [name redacted] was one of the UCPD staff involved

- I believe that the [name redacted] was involved

- I believe that UCPD talked to prisoners, their families, Governors, prison staff and voluntary sector organisations [sic] during the course of the project.

Please can you send me:

1. - this project's title, remit and start and end dates;

¹ 6.3664_Farmer Review Report (publishing.service.gov.uk)

² https://www.whatdotheyknow.com/request/how_to_support_prisoners_contact#incoming-1607724

2. - any reports or briefings it produced (including interim and final reports, and including both published documents and documents circulated only within the department);

3. - copies of any presentations or articles about the work by MoJ staff involved; and

4. - agendas and minutes of any team meetings for those involved in the project."

16. The MOJ responded on 30 June 2020 and refused to provide the requested information held for parts 1 and 2 of the request, citing section 35(1)(a) (formulation of government policy etc) and section 43(2) (commercial interests). It said that in the public interest for both exemptions favoured withholding the requested information. The MOJ denied holding the requested information for parts 3 and 4 of the request.
17. Following an internal review, the MOJ wrote to the complainant on 27 July 2020. It maintained its original position in relation to parts 2, 3 and 4 of the request. However, for part 1 the MOJ revised its position and provided the requested information.

Scope of the case

18. The complainant contacted the Commissioner on 29 July 2020 to complain about the way his request for information had been handled. He submitted the following grounds of complaint:

"The documents I am requesting relate to a working group within the MoJ looking at the important issue of prisoners and their contact with their families. When weighing up the public interest test, the MoJ concedes this is an important area - but argues in broad terms that because it is an emotive topic, and their discussions could inform future government policy, the documents should stay secret. This logic would drive a coach and horses through FOIA, as pretty much any internal Whitehall document could be kept secret on those grounds. Their second argument, that it might affect commercial interests, is spurious as they concede they have not put anything out to tender yet, let alone awarded a contract; they are just looking at the kind of facilities that might benefit families that they may or may not one day provide through the public sector or put out to tender."

19. The complainant also said he was "sceptical" about the MOJ denying holding any information for parts 3 and 4 stating that the MOJ should:

"...provide me with the kind of document I am clearly requesting, rather than trying to nitpick over a definition so as to avoid releasing something they are aware they possess".

20. Additionally, he suggested that the information requested in part two could be disclosed to him with redactions.
21. The complainant did not raise any concerns about the MOJ's handling of part 1 of his request. Following further correspondence with the Commissioner on the matter, he also agreed that a small amount of information could be properly withheld under section 40(2).
22. The Commissioner asked the MOJ to consider all the complainant's grounds of complaint as part of its investigation response.
23. At this stage of the Commissioner's investigation, the MOJ had only identified one *PowerPoint* presentation (P1), in scope of part 2 of the request, referred to by the MOJ as a 'report' rather than a presentation. P1 is entitled '*Strengthening Prisoners Family Relationships*' and had at that point been withheld in its entirety.
24. The Commissioner initially set out to consider whether the MOJ had correctly relied on sections 35(1)(a) and 43(2) to withhold P1, and to consider whether, on the balance of probabilities, any information was held for parts 3 and 4 of the request.
25. However, on 29 January 2021, during the course of the Commissioner's investigation, the MOJ partly revised its position in relation to part 2 of the request. From P1, the MOJ disclosed the background to the policy review, the project brief and approach and methodology information.
26. On 1 February 2021, the Commissioner contacted the complainant to ask him for his view post the MOJ's partial disclosure. The complainant responded on 2 February 2021 and the Commissioner relayed his comments to the MOJ. Once the MOJ had provided its full reply on 16 March 2021, the Commissioner again wrote to the complainant to update him.
27. Over the next few weeks, there followed a number of further exchanges of correspondence with the MOJ. The Commissioner was seeking further explanations as to how the project had been organised and run so she could determine whether the MOJ had located all the information in scope.
28. On 23 February 2021, the MOJ advised the Commissioner that it had carried out a further search and had located another document in scope of part 2 of the request; it apologised for overlooking this earlier. This document is another *PowerPoint* presentation entitled '*Project Context and Brief*' (P2) which the MOJ described as having an "essentially similar

format” to the first presentation, although the second presentation is much shorter in length. It advised that P2 was exempt from disclosure in its entirety by virtue of section 35(1)(a), with one slide being additionally exempt under section 43(2).

29. On 23 February 2021, the MOJ told the Commissioner it had reconsidered its position in relation to P1 and now wished to maintain that the information already disclosed to the complainant (the background, approach, methodology) should have remained exempt in accordance with section 35(1)(a), ie that it should not have been disclosed.
30. During the latter stage of the Commissioner’s investigation, in late April 2021, the MOJ again partly revised its position. It now said that it considered all the withheld information in P1 was caught by section 35(1)(a), but maintained that some parts were additionally exempt under section 43(2). (For clarity, prior to this, the MOJ had said that some information in P1 was exempt solely on the basis of section 35(1)(a), with the remainder exempt solely under section 43(2)).
31. Following the above developments during her investigation, the Commissioner has first considered the MOJ’s reliance on section 35(1)(a) for both P1 and P2 in their entirety. She has also considered whether, on the balance of probabilities, any information is held relevant to parts 3 and 4 of the request.
32. The Commissioner has viewed the content of P1 and P2 in full.

Reasons for decision

Section 35 - formulation of government policy etc – Part 2 of request

33. The Commissioner initially notes that whilst the two documents under consideration here are *PowerPoint* presentations, the MOJ has referred to them as ‘reports’, hence them being considered under part 2 of the request rather than part 3.
34. The purpose of section 35 of the FOIA is to protect good government. It reflects and protects some longstanding constitutional conventions of government, and preserves a safe space to consider policy options in private.

Information withheld in scope of part 2 of request

35. In this case, the MOJ ultimately considered section 35(1)(a) applied to all the information contained within P1 and P2.

36. However, as stated earlier in the investigation, the MOJ had already disclosed some background information to the complainant from P1. As the MOJ subsequently reversed its position and said that it considered this background information should have remained exempt under section 35(1)(a), the Commissioner must also reach a view on this part of P1 and any similar or identical background information contained within P2. This includes the 'Methodology' slide from P1 which is replicated on page 11 of P2.
37. The Commissioner has, therefore, examined the content of both P1 and P2 and also taken into account any publicly available information from both presentations.
38. In reviewing P2, the Commissioner has identified four slides (on pages 2, 3, 4 and 5) withheld by the MOJ under section 35(1)(a), the content of which is already in the public domain within the Farmer report, with the slide on page 2 having been released as part of a press statement.
39. The Commissioner is mindful of paragraph 35(4) of FOIA which states:

"In making any determination required by section 2(1)(b) or 2(b) in relation to information which is exempt information by virtue of subsection 1(a), regard shall be had to the particular public interest in the disclosure of factual information which has been used, or is intended to be used, to provide an informed background to the decision-taking."
40. This means that there is a particular public interest in disclosing the factual background to a policy. In reaching her decision, the Commissioner has taken the requirements of section 35(4) into account.
41. The Commissioner therefore considers that this information is already in the public domain and is not caught by section 35(1)(a), so she has ordered its disclosure as set out in paragraph 8 of this notice.

Remaining withheld information – P1 and P2

42. The Commissioner will next consider the remaining withheld information in both P1 and P2 by virtue of section 35(1)(a). This will include determining whether the 'Methodology' slide disclosed from P1, which is replicated in P2, is exempt by virtue of section 35(1)(a). She will also consider whether the already disclosed remaining background information disclosed from P1, and which the MOJ is now saying should have remained exempt, can be withheld by virtue of section 35(1)(a).

Is section 35 engaged?

43. Section 35(1)(a) provides that information held by a government department is exempt if it relates to the formulation or development of government policy.
44. The purpose of subsection 35(1)(a) is to protect the integrity of the policymaking process, and to prevent disclosures which would undermine this process and result in less robust, well-considered or effective policies. In particular, it ensures a safe space to consider policy options in private.
45. In her guidance on section 35³, the Commissioner accepts:
- "Section 35 is class-based, meaning departments do not need to consider the sensitivity of the information in order to engage the exemption. It must simply fall within the class of information described. The classes are interpreted broadly and will catch a wide range of information".*
46. In that guidance, the Commissioner also explains:
- "The Modernising Government White Paper (March 1999) describes policymaking as: 'the process by which governments translate their political vision into programmes and action to deliver 'outcomes', desired changes in the real world'. In general terms, government policy can therefore be seen as a government plan to achieve a particular outcome or change in the real world. It can include both high-level objectives and more detailed proposals on how to achieve those objectives".*
47. The Commissioner takes the view that the formulation of government policy comprises the early stages of the policy process, where options are generated and sorted, risks are identified, consultation occurs and recommendations or submissions are put to a Minister or decision makers.
48. Development of government policy, however, goes beyond this stage to improving or altering already existing policy such as monitoring, reviewing or analysing the effects of existing policy.
49. It is only necessary for the withheld information to 'relate to' the formulation or development of government policy for the exemption to

³ <https://ico.org.uk/media/for-organisations/documents/2260003/section-35-government-policy.pdf>

be engaged. In accordance with the Tribunal decision in *DfES v Information Commissioner & the Evening Standard* (EA/2006/006, 19 February 2007) the term 'relates to' is interpreted broadly. Any significant link between the information and the process by which government either formulates or develops its policy will be sufficient to engage the exemption.

50. Ultimately whether information relates to the formulation or development of government policy is a judgement that needs to be made on a case by case basis, focussing on the precise context and timing of the information in question.
51. The Commissioner considers that, in both its initial response to the request and internal review result, the MOJ relied on the requested material being self-evidently exempt, without making an effort to provide supporting material or penetrating analysis. Instead, its arguments centred only on the public interest considerations.
52. During the course of her investigation, the MOJ told the Commissioner that it had relied on section 35(1)(a) because the review concerns the development (which it said is still in progress), of a new policy on facilitating and promoting contact between prisoners and their families. It said that the review report (ie P1) was produced in September 2019 and reconfirmed that the policy development was still in progress. It said:

"It will conclude once we have determined what the new arrangements for enabling family contact are to be, and how they are to be delivered – whether via contract, or some other means, or a combination of both."

Conclusion

53. The Commissioner has examined the content of both P1 and P2. She finds that some of the information is not caught by section 35(1)(a), specifically the slides on pages 2, 3, 4 and 5 of P2 for the reasons set out above. She also finds that the previously disclosed background information from P1 is not exempt (with the exception of the 'Methodology' slide as set out in the paragraph below). Specifically, this includes slide 3 of P1 entitled '*Background*', slide 4 '*Project brief and approach*' and the first sentence in slide 6 '*Executive summary – user research*', all of which have been released to the complainant during the Commissioner's investigation.
54. The Commissioner considers that the background to the project is already known due to the publication of the Farmer report. Whilst the exact wording may not be replicated in that report, it is evident to any reasonable individual what the project will entail. However, as the MOJ

has already released this information, the Commissioner does not consider it necessary to order its repeat disclosure.

55. The Commissioner accepts that the remainder of the information that is being withheld relates to the review described above and therefore falls under the definition of development of government policy. Section 35(1) (a) is therefore engaged in relation to the majority of the content of P1 and P2. This includes the previously disclosed 'Methodology' slide which appears in both P1 and P2, together with the two process maps and slide of 'post-it' notes.

The public interest test

56. Section 35 of FOIA is a qualified exemption, meaning that the Commissioner must consider whether, in all the circumstances of the case, the public interest in maintaining the exemption contained at section 35(1)(a) outweighs the public interest in disclosing the information.

Public interest in favour of disclosing the withheld information

57. The complainant did not provide any specific public interest arguments in favour of disclosure of the withheld information.
58. The MOJ submitted the following arguments in favour of disclosure:
- Disclosure would maintain a sense of openness and transparency from the MOJ in keeping with the intended spirit of FOIA.
 - Disclosure would provide an insight to the public on the outcomes of the project to review maintaining family ties for those in prison.
 - Disclosure would enable members of the public to gain an understanding of how the MOJ formulates, reviews, and considers possible policy options and how it subsequently designs future Government Policy.

Public interest in favour of maintaining the exemption

59. In favour of withholding the information under consideration, the MOJ explained that the prisoner contact policy review is ongoing. It argued that disclosure at this time would not allow Ministers to effectively consider the policy options available. It provided the following submissions:
- *"Prisoners maintaining contact with their families is an emotive subject for a large number of people throughout the wider public, with a range of differing views held across the population. It is*

important that MOJ and wider Government must be allowed a protected forum in which to debate all potential policy options for subjects that arouse interest such as this.

- *It is important that Government officials are provided with the opportunity to consider all options away from the public gaze before coming to a decision as to the best direction to take and announcing that to the public, without fear that potential options will be disclosed under FOIA at a later point in time.*
- *Disclosure of this type could inhibit the future development of Government policy as officials may limit the scope of options that they formulate, consider, and discuss, due to concerns that controversial or unconventional ideas for consideration will be released under FOIA, even if those options are not adopted as formal policy."*

60. The MOJ said it had now ruled out a previous factor against disclosure which had been included as part of the responses to both the request and internal review, specifically:

"It is not a credible use of the Government's time if they spend it defending and debating publicly options they have ruled out in arriving at the best option, or other options they have no plans to implement."

61. It advised the Commissioner that:

"We have carefully reviewed that analysis and, on further reflection, we do not consider that the final bullet point (as set out above) is relevant in this case, because no options in the report have been ruled out."

62. The Commissioner has therefore excluded this point from any further consideration.

Balance of the public interest arguments

63. In reaching a view on where the public interest lies in this case, the Commissioner has taken into account the nature and content of the withheld information. She has considered the arguments put forward by the MOJ in support of its position.

64. The Commissioner has also taken into account her guidance on section 35 which states:

"Public interest arguments under section 35(1) (a) should focus on protecting the policymaking process. This reflects the underlying purpose of the exemption".

65. The Commissioner accepts that there is a general public interest in openness and transparency. She also accepts that there is a public interest in the issue of prisoner visits reform, particularly where it relates to ensuring that affected sections of the public with relatives in prison are afforded sufficient and appropriate opportunities in terms of maintaining family ties.
66. The Commissioner is mindful that there is no inherent or automatic public interest in withholding all information falling within the section 35 exemption. The relevance and weight of the public interest arguments will depend on the content and sensitivity of the information in question and the effect its release would have in all the circumstances of the case.
67. She gives weight to the MOJ's arguments that disclosure in this case would directly harm the effectiveness of the policy itself. The Commissioner accepts that the information reveals details of policy options, and that the policy making process is still ongoing. She therefore finds that the 'safe space' arguments carry significant weight.
68. She considers the timing of the request is also relevant in this case. In that respect, the Commissioner gives weight to the argument that it is not in the public interest to disclose information, which contains a wide range of options and evidence, while the issues are still live and under review.
69. Taking all the above into account, the Commissioner is satisfied that there remains a need for an appropriate degree of safe space within which to develop ideas and consider policy issues away from external interference and distraction and to protect the policy and the formulation/development process.
70. In the Commissioner's view, disclosure of the withheld information presents a significant risk of undermining the confidential space needed by the MOJ to discuss policy making in this area, and moreover presents a genuine risk of encroaching on the candour of any future discussions in respect of such policy making.
71. She has therefore concluded that, in all the circumstances of this case, the public interest in maintaining the exemption is stronger than that in disclosing the information.

Conclusion

72. It follows that the Commissioner's decision is that the MOJ was entitled to apply section 35(1)(a) of FOIA to withhold the majority of the requested information in P1 and P2.

Section 1 – general access to information – Parts 3 and 4 of request

73. Section 1 of FOIA states that anyone making a request for information to a public authority is entitled to be informed whether the public authority holds the information, and, if so, to have that information communicated to them.
74. The Commissioner is mindful that when she receives a complaint alleging that a public authority has stated incorrectly that it does not hold the requested information, it is seldom possible to prove with absolute certainty whether the requested information is held. In such cases, the Commissioner will apply the normal civil standard of proof in determining the case and will decide on the 'balance of probabilities' whether information is held.
75. The Commissioner will consider the complainant's evidence and arguments. She will also consider the actions taken by the public authority to check whether the information is held and any other reasons offered by the public authority to explain why the information is not held. She will also consider any reason why it is inherently likely or unlikely that information is not held. 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 proof of the balance of probabilities.
76. Therefore, the Commissioner has sought to determine whether, on the balance of probabilities, the MOJ holds any recorded information within the scope of parts 3 and 4 of the request. Accordingly, she asked the MOJ to explain what enquiries it had made in order to reach the view that it did not hold the information requested in these parts of the request.
77. The MOJ told the Commissioner that information relating to the review that is the subject of the request is held on a networked system. It said any documents of the type specified in the complainant's request would be held on that system, irrespective of whether or not they were also held on individual laptops. The MOJ confirmed they would not be held as manual records.
78. The MOJ further explained that there is a specific folder in which documents relating to the review were collated. In confidence, the MOJ provided the Commissioner with some examples of the type of documents held on the system but confirmed that none of these is within scope of the request.
79. The MOJ advised that no information within scope of the request has been deleted or destroyed. It also said that, as policy in this area is still

being developed, information on the review needs to be retained for the foreseeable future.

80. The Commissioner asked the MOJ a number of questions about how the information relevant to the review had been gathered, by whom and in what form. The responses from the MOJ were given in confidence. However, the Commissioner has examined those responses and details of the additional information held and has compared them to the specific wording of the request. She is satisfied that the additional review-related information held by the MOJ falls outside the scope of the request under consideration in this notice. This is because the additional recorded information held is not reports, briefings, presentations, articles, or agendas or minutes of team meetings for those involved in the project.

Conclusion

81. When, as in this case, the Commissioner receives a complaint that a public authority has not disclosed some or all of the information that a complainant believes it holds, it is seldom possible to prove with absolute certainty that it holds no relevant information. However, as set out in the paragraphs above, the Commissioner is required to make a finding on the balance of probabilities.
82. In reaching her decision in this case, the Commissioner made enquiries during her investigation to determine the information held by the MOJ relating to the overall subject matter of the request and has compared that to the specific wording used by the complainant in his request. By doing so, she is satisfied that she has identified the information held in scope of the request. Whilst it could technically be argued that P1 and P2 fall within the scope of part 3 of the request, given that they are presentations, the Commissioner noted that the MOJ refers to them as 'reports'. None of the other information held by the MOJ (as identified by the Commissioner) falls within the definition of parts 3 and 4 of the request. Even if the Commissioner was to conclude that P1 and P2 also fall in scope of part 3 of the request, she is satisfied that no other information is held.
83. Based on the explanations provided by the MOJ, the Commissioner is satisfied, on the civil standard of the balance of probabilities, that no recorded information within the scope of parts 3 and 4 of the request is held.

Right of appeal

84. 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

85. 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.

86. 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

Carolyn Howes
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