

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 14 April 2022

Public Authority: Bristol City Council
Address: The Council House
College Green
Bristol
BS1 5TR

Decision (including any steps ordered)

1. The complainant has requested information and communications between the council and third parties, and between officers within the council relating to the proposed felling of a tree. The council withheld some of the information under the exceptions in Regulation 13 (personal data of third parties), Regulation 12(4)(e) (Internal communications), 12(5)(e) (commercial confidentiality), and Regulation 12(5)(f) (the interests of the person who provided the information). It did however disclose some information in response to the request.
2. The Commissioner's decision is that the council was correct to apply Regulation 13 to withhold personal data, and Regulation 12(4)(e) to withhold internal communications. The Commissioner has not found it necessary to consider the application of Regulations 12(5)(e) and 12(5)(f) to the information given the application of Regulation 13 to the same information.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 1 March 2021 the complainant wrote to the council and requested information in the following terms:

"Please disclose the following information, from 1 March 2018 to 1 March 2021:

1. Communications (including reports) between the insurers (or their representatives and consultant's) with Bristol City Council (or their representatives and consultant's).
 2. Communications (including reports) between Bristol City Council's independent consultant and Bristol City Council officers.
 3. Communications (including reports) between the council officer who took the decision to fell this tree and other council officers.
 4. Bristol Tree Forum have been told by Bristol City Council that 'a large number of direct comments via our council webform on this matter that have been received by the council's Citizen Contact Centre'. If an analysis of these comments has been already undertaken, please state how many comments are in favour of removing the tree and how many comments are in opposition to removing the tree."
5. The council responded on 29 March 2021. It disclosed some information, however it withheld the majority under the exceptions in Regulations 13 (personal data), 12(5)(e) (commercial confidentiality), Regulation 12(5)(f) (the interests of the person who provided the information to the authority) and Regulation 12(4)(e) (internal communications). It also confirmed that no analysis of the information falling within part 4 had yet taken place, and therefore it could not provide the requested information.
6. On 26 April 2021 the complainant asked the council to review its decision. She also raised the following further requests:

"Additional requests:

Email Chain 1 contains an email dated 10th February 2021 which refers to 'your report'.

1. Please provide a copy of the report.

In an email in the same chain, dated 18th January 2021, it states: 'I am particularly keen to get the [REDACTED] Report back as this has been going on for a long time and I need to know what additional

mitigation I can offer them.'

2. Please provide a copy of this report.

In addition, the same email dated 18th January 2021 refers to 'the reports on the list below'.

3. Please provide a copy of each of these reports.

Email Chain 2 contains an email dated 20th January 2021 which states: 'Please can you send down the report on your assessment of the case.'

4. Please provide a copy of the report on the assessment of the case."

7. Following an internal review, the council wrote to the complainant on 4 July 2021. It included the request for the reports within this same response, however it maintained its initial position that the information it was withholding was exempt for the reasons stated.

8. To confirm the council's position after the review therefore:

- It withheld information in respect of part 1 of the request on the basis that Regulation 13 applied.
- It withheld some information on respect of part 2 of the request on the basis that Regulations 13, and 12(5)(f) applied. Regulation 12(5)(e) was also applied to a costs rate for the consultant. The majority of the report was however disclosed, together with the majority of the email discussions it had had with the consultant.
- Some information in respect of part 3 of the request was withheld on the basis that Regulation 12(4)(e) applied (internal communications). It did, however, disclose a copy of a senior officers report for a senior manager which is relevant to the request. It withheld the personal data of council officers below tier 3 under Regulation 13 when disclosing this.
- In respect of part 4 of the request it said that this information was still under collation and so it was not able to respond to this part of the request at present. The Commissioner has taken this response to mean that the specific information requested was not held in a recorded form at the time that the review was carried out.

Scope of the case

9. The complainant contacted the Commissioner on 27 July 2021 to complain about the way his request for information had been handled.
10. The Commissioner considers that the complaint is that the council was not correct to apply the exceptions it has to withhold some of the requested information.

Reasons for decision

Regulation 13 personal data

11. The council's use of Regulation 13 primarily relates to parts one and two of the initial request. It argues that these communications make numerous references to the personal information of the owner of the property on which the relevant tree is located, and their representatives, by name. The Commissioner also notes that the information relates to the owner's property and the state of the land, and includes financial information relating to the property.
12. The council also argues that the withheld information relates directly to the consultant it has relied upon to inform on its approach to the issue. It noted that the correspondence identifies him, states the consultant's home address, and provides contact details about him and his business. It argues that this information is therefore personal data relating to him under the definition provided by the UK GDPR.
13. 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.
14. 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 UK General Data Protection Regulation ('UK GDPR').

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

15. 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.
16. 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?

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

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

18. The two main elements of personal data are that the information must relate to a living person and that the person must be identifiable.
19. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of the individual.
20. 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.
21. The Commissioner notes that the consultant is an individual, and notes the council's point that the address provided is the consultant's home address. The information is therefore personal data relating to them.
22. As regards the homeowner, the information relates to an ongoing issue regarding damage to their property caused by a tree owned by the council. The information relates to the correspondence between the homeowner's agents and the council relating to the damage. The Commissioner notes that the individual is identifiable to members of the public and a disclosure would provide detailed information about the state of their property and the discussions which were ongoing at the time of the request.

23. The Commissioner is satisfied that this information is personal data. It is detailed correspondence between the council and the owner's agents, details of the issues which the person has, and significant and detailed analysis of the physical state of a property which they own. It also includes financial information on the costs of rectifying that issue.
24. The council has also applied the exception to the identities and contact details of council officers who are below tier 3 on its grade system. This information is also personal data belonging to those individuals.
25. In the circumstances of this case, having considered the withheld information, the Commissioner is satisfied that it both identifies and relates to the individuals identified above. 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 UK 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 UK 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 UK GDPR in the context of a request for information under the EIR, it is necessary to consider the following three-part test:-

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

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

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 and Schedule 3, Part 2, paragraphs 53 to 54 of the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019) 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".

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.
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 accepts that the public has a legitimate interest in understanding the process which it undertook to make the decisions it did about the tree in question. It has already disclosed some information in respect of its actions, which does explain the issues, and its proposals to solve the issue to some degree.
38. The public has a legitimate interest in knowing why the situation arose, and in understanding why the council sought advice from the consultant in respect of its options in handling the issue. The council also recognised that it is important for the public to understand decisions it makes for environmental purposes, such as the proposed felling of the tree.
39. The Commissioner notes that there was a wide public reaction to the initial decision to fell the tree, and that many media reports were published following the story.

Is disclosure necessary?

40. '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.
41. The council argued that a disclosure of the consultant's data is not necessary in informing the public of environmental activities, as the key point of public interest would be whether the tree is felled and the reasoning behind this, rather than the personal details of the individual who provided their opinion on the matter.

42. The council also argued that it has disclosed redacted copies of the requested information which it considers meets this need. It also clarified that no definite decision to fell the tree had been made at the time of the request. It said that, currently, the council has no intentions of felling the tree, as alternative action is being taken to address the situation.
43. The public has a legitimate interest in knowing who conducted the surveys and provided the council with the advice. It can then check that the consultant who advised the council has the appropriate background and experience in order to speak from an informed and knowledgeable position.
44. In relation to the owners of the property, the public also has a legitimate interest in knowing that they, or their representatives are also arguing from an informed position. In order to meet that legitimate interest, it would be necessary to have access to further details of the parties conducting the discussions surrounding the issue.
45. Given this, the Commissioner considers that a disclosure of the information is necessary in order to meet the legitimate interests which have been identified.
46. As regards the identities and details of council officers below tier 3 redacted in respect of the report disclosed in response to part 3 of the request, the Commissioner considers that there is no necessity to disclose this information. It would provide no further information which would create greater transparency over the issues which the council faced, and how it sought to resolve these. The Commissioner has not therefore considered this information further from this point within this decision notice.
47. As the Commissioner has decided in this case that disclosure of the personal data of council officers (below tier 3) in respect of this report is not necessary to meet the legitimate interest in disclosure, she has not gone on to conduct the balancing test. As disclosure is not necessary, there is no lawful basis for this processing and it is unlawful. It therefore does not meet the requirements of principle (a).

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

48. It is necessary to balance the legitimate interests in disclosure against the data subject's interests or fundamental rights and freedoms. In doing so, it is necessary to consider the impact of disclosure. For example, if the data subject would not reasonably expect that the information would be disclosed to the public under the EIR in response

to the request, or if such disclosure would cause unjustified harm, their interests or rights are likely to override legitimate interests in disclosure.

49. In considering this balancing test, the Commissioner has taken into account the following factors:

- the potential harm or distress that disclosure may cause;
- whether the information is already in the public domain;
- whether the information is already known to some individuals;
- whether the individual expressed concern to the disclosure; and
- the reasonable expectations of the individual.

50. In the Commissioner's view, a key issue is whether the individuals concerned have a reasonable expectation that their information will not be disclosed. These expectations can be shaped by factors such as an individual's general expectation of privacy, whether the information relates to an employee in their professional role or to them as individuals, and the purpose for which they provided their personal data.

51. It is also important to consider whether disclosure would be likely to result in unwarranted damage or distress to that individual.

The consultant

52. The council noted that the consultant it sought advice from has not been identified to the public. It said that the consultant has been asked whether or not he would consent to his personal data being disclosed, and his response was that he would not.

53. The council argued that his reports inform upon decisions which it makes on the removal of trees. The consultant works from his home address, and these are the details which have been redacted from the disclosed information. The information also includes his costs for producing the work, and the council has withheld this information under Regulation 12(5)(e), however the Commissioner notes that as this information relates to the consultant's own company, this information is also personal data relating to him.

54. The council considers that if the consultant's home address and details were disclosed, then it is possible that people would approach him outside of his work to address his report if they disagree with it. It said that there are examples where people have physically called at his home address in the past to discuss issues with him. His contact details such as his email address would also be disclosed, as would the name of this business. The council also argued that a disclosure might allow issues such as unfairly negative reviews on public review sites which could damage the consultant's reputation and his business.

55. The council argued recognised there is a public interest in the transparency of council activities in relation to environmental issues, but did not consider it necessary to disclose the personal information of the consultant to fulfil this public interest. It said that redacted information has already been provided that explains the position and opinion of the independent consultant.
56. The Commissioner notes that the protection of trees is an emotive subject, and that in this case local campaign groups sought to protect the tree in question by demonstrating and occupying the tree. There was also significant public pressure put on the council to protect the tree. Clearly there was an active campaign to prevent its felling, and there was therefore a degree of risk that if the consultant's details were released unwanted contacts such as those outlined above might occur.
57. The Commissioner therefore recognises that a disclosure of the consultant's identity would be likely to cause them significant distress under the circumstances of this case.
58. The Commissioner recognises that a consultant providing influential and detailed analysis to a public authority in their own professional field must expect a degree of information about their work may need to be disclosed in order that the public authority can act transparently and explain the reasons for its decisions. The council considers that it has met this need by disclosing the vast majority of the report, however it has redacted the identity, contact details and a section detailing the qualifications and experience of the consultant from the report.
59. The Commissioner accepts the council's argument that sufficient information has already been disclosed in order to explain the position and the opinion of the consultant. A disclosure of the withheld information would provide an additional degree of surety that the consultant's qualifications and experience were suitable to provide robust advice and consider suitable alternatives. In this, however, the Commissioner considers that the council's assurances that it has sought consultant opinion and provided redacted versions of this suffice without the need to provide further details about the consultant if that is not absolutely necessary. The Commissioner has seen no reason to doubt that the consultant was fully qualified and had the necessary experience in order to be able to provide a fully robust report to the council.
60. The Commissioner also recognises that, ultimately, any decision to fell the tree is a decision for the council to make, not the consultant.

61. When considering the balance between the expectations of the consultant and the legitimate interests of the public, the Commissioner has taken into account the emotive nature of the issue at hand, together with the strong public reaction to the suggestion of felling the tree. The Commissioner notes the risk of personal direct contact with the consultant. This would clearly cause distress, and potentially damage to his business. The correct party to direct such concerns and rebuttals to is the council, who ultimately make the decisions.
62. Based on the above factors, the Commissioner has determined that there is insufficient legitimate interest to outweigh the data subjects' fundamental rights and freedoms. The Commissioner therefore considers that there is no Article 6 basis for processing and so the disclosure of the information would not be lawful.

The property owner

63. The Commissioner recognises that the property on which the tree stands has already appeared in the media. The owner can therefore already be identified from the information which is in the public domain.
64. The council argued, however, that disclosing the withheld information may cause further distress to the owner. It said that they have already been placed in a stressful position regarding their property, and the council feels that any disclosure of personal information would only exacerbate these stresses.
65. The Commissioner accepts the council's point. It would disclose detailed information from an insurance claim made by the individual's agents, and would disclose a detailed analysis of the costs and methods required to remedy the situation, and significant details about their property. That situation was ongoing at the time that the request was made, and there was significant public pressure to leave the tree in place.
66. The Commissioner recognises that the owner had no option but to allow his agents to contact the council and to provide details of their property. The damage was ongoing and would worsen if the issue was not addressed.
67. The owner would not expect specific details of their (or their agents) discussions with the council to be disclosed more widely if it is unnecessary for it to do so – disclosing these details may cause them further distress if campaigners or lobby groups seek to question the veracity of the need to fell the tree with the owner directly, or if it results in an increase in the presence of campaigners outside of their property. A disclosure of the information would potentially antagonise the attitudes of campaigners towards the property owner.

68. Bearing in mind the balance of the two interests, the Commissioner considers that the intention would be that the correspondence remain private and, to the extent to which it could be, confidential.
69. The Commissioner considers that disclosing the information would make significant details of the state of the property public, which would undermine their lawful rights under DPA.
70. Based on the above factors, the Commissioner has determined that there is insufficient legitimate interest to outweigh the data subjects' fundamental rights and freedoms, and that confirming whether or not the requested information is held would not be lawful.

The Commissioner's view

71. 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) – Internal Communications

72. The council has applied this exemption specifically in reference to question 3 - "Communications (including reports) between the council officers who took the decision to fell this tree and other council officers"
73. It said that as the request specifically asks for communications between council officers, it considers the information to be exempt under Regulation 12(4)(e).
74. Regulation 12(4)(e) of the EIR provides an exception from disclosure to the extent that the requested information comprises internal communications. The exception is class-based, which means that it is engaged if the information in question falls within its scope. There is no requirement to consider prejudice or adverse effect at this stage.
75. The withheld information comprises of email correspondence between various council employees of the council. The Commissioner is satisfied that the withheld information falls under the description of "internal communications".
76. Accordingly, the Commissioner is satisfied that the exception at Regulation 12(4)(e) is engaged.

77. Regulation 12(1) of the EIR states that disclosure of environmental information may be refused if (a) an exception to disclosure applies and (b) if in all the circumstances of the case the public interest in maintaining the exception outweighs the public interest in disclosing the information. Regulation 2(2) further states that the public authority must apply a presumption in favour of disclosure when considering the public interest.

The public interest in favour of disclosure

78. The complainant noted that there was a great degree of interest in the issue from members of the public. The complainant said that:

“There is an important matter of principle here: why doesn't the local community have any say in the management of urban trees, especially important, mature trees? BCC has now partially backtracked on the decision to fell; however, the management proposed by BCC is likely to compromise the future of the tree, which is why it is important to make the documents public. The decisions that councils take need to be open to public scrutiny – not conducted in secret. The very fact that the decision to fell has now changed shows that there are different options and perhaps the evidence that the tree is causing the subsidence is not conclusive.”

79. The Commissioner recognises that there is a strong public interest in the council acting transparently over issues involving the felling of mature trees. Trees form an important part of the biodiversity of an area and are also an important aspect of the nature and landscape of the area. Any decision to cut down a mature tree needs to be considered carefully, and with the interests of the people, and the biodiversity of species which inhabits the area which would be directly affected by the felling taken into account.
80. There is therefore a strong public interest in the public being informed of the reasons for decisions to fell such trees, and to be able to participate in that decision where this is appropriate.

The public interest in the exception being maintained

81. The council considered the following public interest factors in favour of maintaining the exception:
- There is a greater public interest in protecting the 'safe space' for public authorities. Disclosure of the withheld information would inhibit the ability of officers to debate the issues and prevent a free and frank exchange of views if the contributors felt that their input would be disclosed to a wider audience.

- This in turn would have an adverse impact on the council's ability to be able to consider all advice properly and fully, including opinions, without limitations.
- While the emails relate to discussions held between the council officers around the felling of the tree were still 'live' and on-going, it is in the wider public interest that the council is able to allow its officers to reach decisions away from external interference and distraction.

The Commissioner's analysis

82. The Commissioner notes the complainant's argument that there was a great deal of interest from members of the public and the media regarding the council's decision. The Commissioner fully accepts that that was the case, however the interests of the public do not always equate to the public interest. The public interest test requires an analysis of which option provides greater value to the public as a whole.
83. The Commissioner accepts that there is a very strong public interest in decisions of local authorities to cut down mature trees being taken transparently and the reasons for their actions explained. The council accepts this point but considers that the information which it has already disclosed to the complainant does provide the background and its reasoning in this situation.
84. The Commissioner considers that the underlying rationale for the exception at Regulation 12(4)(e) is to protect a public authority's need for a private thinking space. He considers that the extent to which disclosure would have a detrimental impact on internal processes will be influenced by the particular information in question and the specific circumstances of the request.
85. In effect, the request catches information relating to the council's discussions surrounding a claim against it, its discussions as regards rectifying the situation, and to potential ways of resolving a sensitive situation. The Commissioner notes that the withheld information also discusses the way the council should handle the external pressure caused by third parties campaigning for the tree to be saved.
86. The Commissioner notes that the situation was ongoing when it was responding to the request for information. The discussions were still live and no final decision had been made. The council confirmed that, at that time, no decision to fell the tree had been taken.

87. The Commissioner accepts that in this situation, council officers required free space in order to discuss, deliberate and formulate its response to the various parties in a full and frank way, away from the public's view. A disclosure during the midst of this would undermine its ability to obtain the best outcome and have the effect of preventing officers from being able to freely discuss different ways to approach the issues involved in a complicated situation.
88. The Commissioner also considers that a safe space was required around a sensitive and emotive situation between the wishes of the campaigners and the general requirement to protect the environment, and property. The issue is particularly sensitive given the public criticism against the suggestion that the tree may need to be felled, and the resultant affect upon those living at and around the property as a result of campaigners actions seeking to protect the tree. A disclosure could risk heightening the tensions in the area.
89. Therefore, the Commissioner considers that there is a strong public interest in protecting the council's ability to exchange correspondence and deliberate in a private space whilst the position was still live.
90. The Commissioner is mindful that a public authority is required to apply a presumption in favour of disclosure, and in any event the public interest in maintaining an exception must outweigh the public interest in disclosure. If the public interest is balanced, then the information in question must be disclosed.
91. The Commissioner is satisfied that there is a significant public interest in protecting the council's ability to exchange internal communications in a "safe space", in the knowledge that the council would (and did) publish relevant information where it could.
92. The Commissioner does not consider that the presumption in favour of disclosure changes this conclusion.
93. Consequently, the Commissioner finds that the public interest in maintaining the exception at Regulation 12(4)(e) does outweigh the public interest in disclosing the withheld information.
94. Regulation 12(2) of the EIR requires a public authority to apply a presumption in favour of disclosure when relying on any of the Regulation 12 exceptions. As stated in the Upper Tribunal decision *Vesco v Information Commissioner* (SGIA/44/2019):

“If application of the first two stages has not resulted in disclosure, a public authority should go on to consider the presumption in favour of disclosure...” and “the presumption serves two purposes: (1) to provide the default position in the event that the interests are equally balanced and (2) to inform any decision that may be taken under the regulations” (paragraph 19).

95. As covered above, in this case the Commissioner’s view is that the balance of the public interests favours the maintenance of the exception, rather than being equally balanced. This means that the Commissioner’s decision, whilst informed by the presumption provided for in regulation 12(2), is that the exception provided by regulation 12(4)(e) was applied correctly.

Regulation 12(5)(f) – interests of the person who provided the Information

96. The council applied this exception to the consultant’s report.
97. The Commissioner has not found it necessary to consider the application of this exception given that Regulation 13 applies to withhold the information.

Regulation 12(5)(e)

98. The council applied Regulation 12(5)(e) to withhold some aspects of the report from disclosure.
99. The Commissioner has not found it necessary to consider the application of this exception given the decision that Regulation 13 applies to withhold the information.

Right of appeal

100. 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

101. 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.

102. 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

Ian Walley
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF