

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 13 August 2014

Public Authority: High Speed Two (HS2) Ltd
Address: 19th Floor
One Canada Square
Canary Wharf
London
E14 5AB

Decision (including any steps ordered)

1. The complainant has requested information relating to the compensation and relocation measures available to residents of a particular area affected by the proposed high speed rail link. HS2 denied holding some of the requested information, this constitutes a refusal under 12(4)(a). It did provide a report captured by request, but withheld some information from that report under the exceptions provided by regulation 12(5)(b) – course of justice and regulation 13(1) – personal data.
2. The Commissioner's decision is that HS2 did not hold some of the information requested and that it was entitled to rely on the exceptions provided by regulation 12(5)(b) and 13(1) to withhold information from the report.
3. The Commissioner does not require the public authority to take any action.

The application of the EIR to HS2

4. The EIR only provide a right of access to information held by public authorities. The first thing to establish is whether HS2 Ltd is a public authority for the purpose of the EIR.

5. Some of the bodies covered by the EIR are defined by reference to those which are bodies subject to the FOIA. Regulation 2(2)(b) of EIR includes those bodies defined as a public authority under section 3(1) of FOIA, which in turn includes publicly owned companies. The definition of a publicly owned company is then set out in section 6 of FOIA. This includes, at section 6(1), any company owned by the Crown, for example, those owned by a government department.
6. HS2 is wholly owned by the Department of Transport (DfT). The Commissioner is therefore satisfied that HS2 is a public authority for the purposes of the EIR.

Request and response

7. On 20 January 2014, the complainant wrote to HS2 Ltd and requested information in the following terms:
 - "1. Copies of all internal notes and reports dealing with the Flats Lane and Knox Grave Lane relocation proposals.
 2. Copies of all minutes of meetings held within HS2 Ltd and the DfT to discuss the Flats Lane and Knox Grave Lane relocation proposals."
8. The Flats Lane and Knox Grave Lane site is a small, mainly, residential location which is potentially affected by the construction of the proposed new high speed rail link from London to the northwest. There are a number of, what the residents believe to be, unique circumstances which they want taking into account when considering the compensation they are eligible for and how they can be helped to relocate. It is understood from HS2 that although HS2 considers compensation claims and makes recommendations, it is actually the DfT that makes the decision.
9. HS2 responded to the request on 24 February 2014. It denied holding any minutes described in the second part of the request. It confirmed that it did hold one report relating to the relocation proposals but refused to disclose the report citing regulation 12(4)(d) as its basis for withholding the report. Regulation 12(4)(d) provides an exception for information which is still in the course of completion.
10. HS2 concluded an internal review of its handling of the request on 6 May 2014. It maintained that it had been correct to withhold the report under regulation 12(4)(d) at the time of the request. However with the

passage of time HS2 stated that it was now prepared to disclose some elements of the report. It continued to withhold other information from the report on the basis that the information constituted legal advice and therefore was protected by the regulation 12(5)(b) - information the disclosure of which would have an adverse effect on the course of justice. A limited amount of information was also withheld under regulation 13(1) on the basis that it was the personal data of third parties, the disclosure of which would breach the Data Protection Act 1998 (DPA).

Scope of the case

11. The complainant originally contacted the Commissioner following HS2's initial refusal of his request. At this time he was advised by the Commissioner to first seek an internal review. Upon receiving the complainant's request for an internal review HS2 informed that complainant that it aimed to complete the review by 28 April 2014. When this deadline passed the complainant contacted the Commissioner again.
12. However following the completion of the internal review on 6 May 2014 the outstanding issues in respect of the first part of the request are whether the information which HS2 is continuing to withhold is protected by the exceptions created by regulation 12(5)(b) – course of justice, and regulation 13(1) - personal data.
13. The second part of the request has been refused under regulation 12(4)(a) – information not held at the time of the request. The matter to be decided is whether, on the balance of probabilities, the Commissioner is satisfied that HS2 does not hold any minutes of meetings to discuss the compensation and relocation proposals.

Reasons for decision

Regulation 12(5)(b) – course of justice

14. So far as is relevant, regulation 12(5)(b) of the EIR states that a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the course of justice or the ability of a person to receive a fair trial.

15. The Commissioner considers that the term 'course of justice' is very wide and in practice it incorporates the ability to receive a fair trial.
16. HS2 has applied regulation 12(5)(b) to the majority of the information which it is continuing to withhold; only a small amount has been withheld under regulation 13(1). HS2 argues that this information is subject to legal professional privilege and that disclosing this privileged information would adversely affect the course of justice and its ability to receive trial should it need to defend its compensation awards at the Upper Tribunal (Lands Chamber).
17. Legal professional privilege is a principle which developed to ensure that clients can obtain robust and reliable advice from their lawyers. This can only happen if clients are free to discuss legal problems with their representative in the knowledge that those discussions, and the resultant legal advice, will remain confidential between the two parties. Without this assurance of confidence the client would be unwilling to present all the details of the case and the lawyer could be unwilling to comment candidly on all the issues arising, including any risks or weaknesses in their client's case.
18. Therefore the concept of legal professional privilege developed to protect the communications between a lawyer and their client and ensure that such communications are not released without the client's consent. The concept of legal professional privilege ensures complete fairness in legal proceedings and is considered a fundamental requirement of the English legal system.
19. It follows that the disclosure of privileged information could disrupt the administration of justice by prejudicing the right of an individual to seek and obtain appropriate legal advice. This in turn could have both an adverse effect on the course of justice and interfere with an individual's right to a fair trial. It has therefore been established that the exception provided by regulation 12(5)(b) extends to the protection of information covered by legal professional privilege.
20. It should be noted that the mere potential for the disclosure of privileged information to have an adverse effect on the course of justice is not sufficient to engage the exception. The exception can only be engaged on the basis that the adverse effect to the course of justice would occur. However, even though it is not a foregone conclusion that the disclosure of privileged information would have an adverse effect on the course of justice, the Upper Tribunal has commented that there would need to be special or unusual factors in play for this not to be the case.

21. The Commissioner will first look at whether the withheld information does attract legal professional privilege. If it does he will then consider whether, in the circumstances of the case, disclosing that privileged information would have an adverse effect.
22. There are two types of legal professional privilege, litigation privilege and advice privilege. Both types only apply to confidential communications. Therefore if the client has already disclosed the information to the public, or shared it with a wider audience on an unrestricted basis, the communication would no longer be confidential and could not attract privilege. Furthermore the confidential communication must have been made for the dominant purpose of either seeking or providing legal advice.
23. Litigation privilege applies to confidential communications made for the purpose of providing or obtaining legal advice where legal action is either underway or such legal action is envisaged. There has to be a real prospect or likelihood of litigation for the protection afforded by litigation privilege to be available. Although it is mainly applied to the confidential communications between a client and their legal adviser, it can also extend to communications with others so long as it is necessary to communicate with those parties for the purpose of obtaining advice. For example, a client may need to consult with an expert witness when exploring the merits of their case with a legal adviser.
24. Advice privilege also applies to communications between a client and legal adviser for the purpose of obtaining legal advice. Unlike litigation privilege it can be applied to such communications even when legal proceedings are not anticipated. However in these circumstances privilege can only apply to records of communications between a client and their legal adviser; it cannot be applied to advice from third parties.
25. The withheld information is contained in the main body of one report and two of the appendices to that report. The withheld information contained in the main body of the report summarises the legal advice that has been received, whereas the actual legal advice is reproduced in the appendices. Although the summarised advice was not directly provided by a legal adviser it is nevertheless a record of the legal advice received and so is still capable of attracting privilege.
26. HS2 has argued that all the information withheld under regulation 12(5)(b) attracts both legal advice privilege and litigation privilege. Both advice privilege and litigation can be applied to the same information provided the conditions for each branch of privilege are met. The Commissioner will first look at whether this information attracts advice

privilege. If it does, then provided it was obtained when there was a realistic prospect of legal proceedings, it will also be covered by litigation privilege.

27. HS2 has explained that the legal advice was provided by qualified solicitors working for its external legal advisers, Eversheds LPP. It was obtained by a small team within HS2 and only shared on a need to know basis amongst the members of that group and a limited number of officials from the DfT. From HS2's submission it is understood that the DfT also had decision making responsibilities in respect of compensation and relocation measures offered to the residents of the Flats Lane/Knox Grave Lane site. HS2 has argued that both itself and the DfT are the clients in this case. The Commissioner is satisfied that where two parties such as HS2 and DfT have joint responsibilities for an issue they can both be regarded as clients. This is particularly the case where one party is a company wholly owned by the other client. So long as the legal advice received by those clients has only been shared with a limited number of people within their organisations, the legal advice will remain confidential.
28. The Commissioner has viewed the withheld information and is satisfied that it does contain legal advice. HS2 has explained that the advice was sought as both itself and the DfT needed specialist legal advice on the compensation and relocation measures proposed by a residents group from the Flats Lane/Knox Grave Lane site. It was important for the clients to fully understand their obligations, their options and the risks associated with those options.
29. The Commissioner finds that the withheld information records communications between a legal adviser and its clients which were made for the sole purpose of providing legal advice. The communications are solely between legal adviser and client, there are no third party expert witnesses involved. The legal advice contained in the main body is a summary of the original advice, however the Commissioner is satisfied that it still constitutes a record of legal advice provided. Furthermore as the advice has only been shared within the two client organisations on a need to know basis, he is satisfied that the legal advice has remained confidential. The Commissioner finds that all the information to which HS2 has applied regulation 12(5)(b) attracts legal advice privilege.
30. HS2 has also argued that the information covered by advice privilege is also protected by litigation privilege. Litigation privilege can only be applied where either legal proceedings are underway or there is a likelihood of such litigation, at the time the advice was sought. In this

case HS2 has argued that at the time the advice was sought there was a realistic prospect of litigation. This is because where a compensation claim cannot be agreed in respect of the compulsory purchase of property the issue has to be settled by the Upper Tribunal (Lands Chamber).

31. It is understood that residents of Flats Lane and Knox Grave Lane had made a number of proposals in respect of the compensation settlement and the timing of that settlement. The matter had been proving difficult to resolve and the local residents' group appeared to be highly motivated and prepared to pursue their case by all legitimate means. HS2 has explained that it is not uncommon for compensation claims in respect of the compulsory purchase of property to end up at Tribunal. Given the circumstances of this particular compensation and relocation claim HS2 considered there was a real likelihood of the matter going to Tribunal. The legal advice was sought against this background. The Commissioner is therefore satisfied that the legal advice contained in the main body of the report together with that in both appendices do attract both advice privilege and litigation privilege.
32. The fact that the information is capable of attracting legal professional privilege is not sufficient for it engage regulation 12(5)(b). For the exception to be engaged its disclosure must have an adverse effect on the course of justice, including the ability to receive a fair trial. The term 'would have an adverse effect' is taken to mean that it is more probable than not that the adverse effect would happen.
33. The Upper Tribunal (General Regulatory Chamber – Information Rights) has established that, in respect of privileged information, consideration of the adverse effect caused is not limited to the impact disclosing the information would have on resolution of the matter to which the advice relates. Account can also be taken of the effect on the course of justice more generally. The Commissioner considers that any weakening of the principle that people should be free to seek legal advice safe in the knowledge that their communications will remain confidential would inhibit the seeking and providing of such advice. This is because clients would be less candid with their adviser if they were concerned that any vulnerability in their position could be exposed to the public. Similarly lawyers would be less willing to present the weaknesses in their client's position. As discussed earlier it is a fundamental principle of the English legal system that people are free to seek appropriate legal advice to defend their rights and freedoms. Eroding the ability to exercise that right would undermine the operation of justice.

34. In this case there are also other ways in which the course of justice would be adversely affected. These relate more directly to the particular legal advice and the matters that advice deals with.
35. HS2 has informed the Commissioner that at the time of the request the advice had only just been received. The advice was still very much live and there were still ongoing issues relating to the compensation available to the residents of Flats Lane/Knox Grave Lane. Therefore HS2 and the DfT are still relying on the advice and may continue to do so until the matter is resolved including, if necessary, any legal challenges that may arise. There is a very real likelihood that if this advice was released it would handicap HS2 and the DfT in negotiating the compensation settlement and if necessary defending its position in legal action. Disclosing the information would reveal HS2's position and the arguments it may present in legal proceedings. Disclosing the advice would allow an opponent to assess those arguments for any weaknesses. This would undermine the fairness of any legal proceedings that arose.
36. It is conceivable that HS2 will need to seek further legal advice in this matter before it is resolved. On top of the general chilling effect on people's willingness to consult freely with their legal advisers brought about by the disclosure of any privileged information, there would be a more pronounced effect on the willingness of HS2 to seek further advice on this matter, if advice received earlier had already been released.
37. The Commissioner has provided further comments on the adverse effect of disclosing some of the information in a confidential annex which has been provided only to HS2. This is necessary because the comments could reveal the substance of the withheld information.
38. The Commissioner is satisfied that there would be a more than 50% chance of the course of justice being undermined if the legal advice was disclosed. He is also satisfied that its disclosure would place HS2 and the DfT at a disadvantage in any potential legal action that arose out of this case. Therefore there would also be an adverse effect on the ability of these two public authorities to obtain a fair trial if it was released. The exception created by regulation 12(5)(b) is engaged.

Public interest test

39. As with all the exceptions under the EIR, regulation 12(5)(b) is subject to the public interest test as set out in regulation 12(1). Only if the public interest in maintaining the exception and preventing the adverse effect to the course of justice, is greater than the public interest that

would be served by disclosing the information can HS2 continue to withhold the information.

40. When assessing the public interest in withholding the privileged information, it is necessary to take account of the impact disclosing this information would have on the course of justice. As well as looking at the severity of the adverse effect it is also necessary to consider the frequency with which such an affect would be felt.
41. There will always be a significant public interest in preserving the principle that someone, an individual or an organisation, can obtain legal advice, safe in the knowledge that their communications will remain confidential. The Information Tribunal has consistently found that weight should be attached to this inbuilt public interest in protecting privileged information.
42. As well as this general public interest in withholding privileged information, the specific issue addressed by the advice is also relevant. The public interest in preserving a level playing field in legal proceedings is particularly high for example in criminal proceedings, where someone's liberty is at issue, or where proceedings relate to protection of vulnerable members of society. In this case however the issue to which the advice relates can be characterised as an administrative measure ie the compensation and relocation measures available to a group of individuals. This dampens down the public interest in favour of withholding the information.
43. However the issue of compensation relates to a major infrastructure project which is designed to have a major impact on the economic prosperity of a region of the UK. In such circumstances it is critical that HS2 is free to obtain the best legal advice it can in order to ensure the efficient implementation of the project. It is possible that such projects will raise a number of complex compensation claims and HS2 needs to be able to obtain candid legal advice so that it can protect the public purse when dealing with such claims.
44. In respect of the specific compensation matter to which the advice relates it is important to consider the time at which the advice was obtained. At the time of the request the advice had only recently been received and was still very relevant to HS2's consideration of the Flats Lane/Knox Grave Lane issue. This increases the risk that disclosing it would disrupt the course of justice. Furthermore there was the potential that the matter would have to be resolved by legal action. Disclosing the information would interfere with the fairness of any legal proceedings that may result from the proposals under consideration.

45. If the advice was disclosed in these circumstances, resulting in HS2's position being prejudiced, the Commissioner considers that this could make HS2 more cautious when seeking any further advice it required on the Flats Lane/Knox Grave Lane site. It would deter HS2 it from seeking advice on other compensation claims relating to other sites, albeit to a lesser extent.
46. The Commissioner has also considered the number of people affected by the issue. The actual number of people who have a direct interest in the decisions based on the legal advice is limited. Clearly the information is of interest to the residents at the Flats Lane/Knox Grave Lane site. It may also have some relevance to others seeking compensation in respect of other sites to be acquired for the rail link. However even allowing for this, the overall number of people who have an interest in the specific detail of the legal advice remains relatively small. This diminishes the public interest in disclosing the information and so supports the argument for withholding the information.
47. In favour of disclosing the information is the public interest in there being transparency in how the high speed rail project is being implemented. The project has not been without controversy and this includes the proposed route. There is a legitimate interest in disclosing information about how HS2 is dealing with those affected. This interest relates both to assessing the fairness with which such individuals are treated and in understanding how effectively the financial cost of the scheme is being managed.
48. The residents of Flats Lane/Knox Grave Lane have a particular private interest in the information, i.e. it may be of use to them in their negotiations with HS2 and any legal action which could be taken. This itself is not a factor that should be considered when weighing the public interest. However there is a public interest in people having access to information that explains how the decisions affecting them were made and the factors that were taken into account when making those decisions. This public interest factor is given greater weight by the fact that the decisions over the site will have a major impact on the residents. Not only does it affect their homes, but, in some cases, it will have an impact on the businesses and livelihoods of the residents whilst noting that the number of people affected is however limited.
49. The applicant has argued that without having access to the full report, including the legal advice, it is not possible for the residents to put their case to HS2 fully or enable them to properly comment on the way in which their proposals are being considered or counter any arguments presented against their proposals. Unfortunately this does not overcome

the right of a public authority to seek confidential legal advice, particularly where there is a prospect of litigation, which is adversarial in nature.

50. The applicant has stressed the need for decisions to be based on all the relevant facts. He has argued that, based on the parts of the report already released, HS2 has not taken account of all the relevant circumstances including the fact that the residents' proposals have the support of local authorities and government ministers. It is not for the Commissioner to consider what factors HS2 should have regard for when considering the Flats Lane/Knox Grave Lane proposals. In any event there is nothing to suggest that the legal advice was not based on all relevant factors. The Commissioner therefore does not give any weight to this argument.
51. In balancing the public interest arguments for and against disclosure the Commissioner recognises the enormity of the impact that proposed demolition of the residents' properties will have on them, and, in some cases, the impact on their livelihoods. This does add to the public interest in there being transparency in how HS2 implements the proposed new rail link and in particular how it treats those affected by the scheme. However the Commissioner finds that there is a significant public interest in protecting the principle that clients should be able to obtain confidential advice from their legal advisers. Further weight is added to the public interest in favour of withholding the information because the advice was fresh at the time the request was made and was still being used by HS2 in its decision making process. The Commissioner has also taken account of the fact that throughout the implementation of the project to build a new high speed rail link there is likely to be a number of occasions where legal advice is required, particularly in respect to compensation claims. In these circumstances there is an even greater public interest in HS2 being confident that it can obtain robust legal advice without running the risk that this would then be disclosed to the public and undermine its negotiating position. This would work against the public interest in terms of the cost to the public purse and the efficient implementation of the rail link.
52. The Commissioner therefore finds that the public interest favours maintaining the exception.

Regulation 13(1)

53. In so far as is relevant, regulation 13(1) provides that a public authority can withhold information which is the personal data of someone other than the applicant, if disclosing that information would breach any of the data protection principles set out in the Data Protection Act 1998 (DPA).
54. HS2 has withheld a limited amount of information from the report on the basis that it is personal data and its disclosure would breach the first principle of the Data Protection Act (DPA). The first data protection principle states that information will be processed fairly and lawfully and in particular will not be processed unless one of the conditions set out in Schedule 2 of that Act can be satisfied.
55. The information in question falls into two categories. The first is information relating to some of the residents of Flats lane and Knox Grave Lane. The second is information relating to public officials.
56. The first thing to consider is whether the information is in fact personal data. Personal data is defined in section 1 of the DPA as being information which both identifies and relates to a living individual. The Commissioner is satisfied that the information on the residents both identifies them and relates to them. The residents are identified as the occupiers of particular properties. The information relates to them by providing information about the businesses undertaken by some of those occupants or by identifying which residents have served blight notices on the DfT. The Commissioner is satisfied that this is the personal data of those individuals.
57. The information is not detailed, but nevertheless it does reveal information about their personal and professional lives and relates, less directly, to their personal finances, for example that they are home owners and whether they have served blight notices. Their information is included in the report simply because they are unfortunate enough to have been affected by the proposed rail link. They have had no control over the events that have resulted in them being identified in the report. When they provided any details to HS2 or submitted blight notices it was likely that they believed the process was a confidential one as it concerned their personal financial affairs, and in some cases their business affairs. The Commissioner is satisfied that they would not have expected their details to be disclosed to the public. In addition HS2 has informed the Commissioner that a statement on its website advises people that any personal details they provide will not be disclosed.

58. In light of this Commissioner is satisfied that disclosing the personal data of the residents would be unfair and so breach the first principle of the DPA. HS2 can rely on regulation 13(1) to withhold this information.
59. The second type of information withheld under regulation 13(1) relates to public officials. This information simply identifies the author of the report, the sponsor of the report and those colleagues within HS2 who were consulted in the compilation of the report. The Commissioner is satisfied it is the personal data of those individuals. It clearly identifies them by name and relates to them as it explains what role they had in the production of the report.
60. The Commissioner notes that the information relates to these individuals solely in their professional roles within HS2. This reduces the sensitivity of the information and the likelihood that the disclosure would have any detrimental impact on the individuals concerned. This would all shape the individuals' expectations of whether this information would be disclosed to the public.
61. However HS2 has also argued that the individuals concerned do not hold senior positions within the organisation and would not expect their details to be released. The Commissioner accepts that an individual's seniority within an organisation would also shape expectations of whether their names would be released. This argument is reinforced by the fact that the officers concerned have been approached by HS2 and have all objected to their names being released.
62. The Commissioner has considered whether there is any pressing need to release the names of the officers concerned. He is satisfied that the information would add little to the public's understanding of the issues discussed in the report. Therefore on balance, although the disclosure would have only limited impact on the data subjects the Commissioner concludes that it would be unfair to release the names of the officers involved in producing the report. As the disclosure would be unfair it would also breach the first data protection principle. The Commissioner is satisfied that HS2 is entitled to withhold these names under regulation 13(1).

Regulation 12(4)(a)

63. Regulation 12(4)(a) provides that a public authority is not obliged to comply with a request if the requested information is not held at the time the request is made. Where there is a dispute whether information is held, the Commissioner, led by a number of Information Tribunals,

applies the civil standard of proof. In other words to determine complaints the Commissioner will decide whether on the balance of probabilities HS2 holds any information which falls within the scope of the second part of the request.

64. HS2 has advised the Commissioner and complainant that it does not hold the information described in the second part of the request, ie "... minutes of meetings held within HS2 Ltd and the DfT to discuss the Flats Lane and Knox Grave Lane relocation proposals."
65. In respect of any minutes held by the DfT the Commissioner considers that HS2 and the DfT are separate public authorities for the purposes of the EIR. HS2 is only obliged to respond to a request in respect of any minutes it holds.
66. HS2 has explained that any information it holds is held electronically. It explained that only a small number of staff were involved in the Flats Lane/Knox Grave Lane site. This is borne out to some extent by the number of officials listed in the report itself. Upon receipt of the request these officers were contacted and they were individually responsible for searching for any information falling within the scope of the request. HS2 is confident that these officials could be relied on to search for the information in all the relevant files relying on their knowledge of their own working practices. The only information returned through these searches was the one report that was subject to the first part of the complainant's request.
67. Importantly the officials involved in the Flats Lane/Knox Grave Lane issue have stated that no formal meetings were held a part from the meeting of the Commercial Committee for which the report was prepared. That meeting took place on the 4 February 2014 which was after the request was made and therefore any minutes produced at that meeting are not captured by the request. Although, what HS2 describe as, 'informal meetings' between officials did take place, the officials have explained that it is not their working practice to take notes of such meetings. It has been explained to the Commissioner that these informal meetings are used to obtain information from colleagues and discuss relevant matters. This appears to be a purely verbal process and officials have said that they do not consider there is any business need to record these discussions or the decision making process that occurs at these informal meetings.
68. In light of the above explanation the Commissioner is satisfied that, on the balance of probabilities, HS2 does not hold any minutes of meetings as described in the second part of the request. It follows that the

Commissioner finds regulation 12(4)(a) is engaged. The exception provided by regulation 12(4)(a) is, technically, subject to the public interest test. However where no actual information is held the Commissioner does not consider that the public interest test can be sensibly applied. The Commissioner is satisfied that HS2 is entitled to rely on regulation 12(4)(a) to withhold the requested information.

Right of appeal

69. 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: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

70. 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.

71. 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

Pamela Clements
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