

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice**

Date: 15 September 2015

Public Authority: Bridgend County Borough Council
Address: Civic Offices
Angel Street
Bridgend
CF31 4WB

Decision (including any steps ordered)

1. The complainant requested information about enforcement action with regard to a particular planning application. Bridgend County Borough Council ('the Council') initially stated that it did not hold some information, and withheld other information under sections 40(2) and 42 of the FOIA. During the Commissioner's investigation, the Council disclosed some additional information relevant to the request. The Council also acknowledged that some parts of the request fall to be considered under the EIR as opposed to the FOIA. The Council maintained that the remaining information held relevant to the request was exempt under regulation 12(5)(b) of the EIR and section 40(2) of the FOIA. The Commissioner is satisfied that the Council has correctly applied regulation 12(5)(b) of the EIR and section 40(2) to the remaining withheld information. He does not require any steps to be taken.

Request and response

2. On 11 February 2015, the complainant wrote to the Council and requested information in the following terms:

"I am interested to know what exactly legal counsel had to say on the matter of non-enforceability of P/06/1478/RLX.

1. "Please send me a copy of the advice given to the council on this matter.
2. Please give me exact reference to the subsequent case law which is said to indicate that the above consent is not enforceable.
3. Please inform me as to the legal counsel consulted"
3. The Council responded on 17 March 2015 and stated that the information held relevant to parts one and two of the request was exempt under section 42 of the FOIA. The Council also withheld information relating to part three of the request under section 40(2) of the FOIA.
4. On 17 March 2015 the complainant requested an internal review of the Council's refusal to provide the information requested.
5. The Council provided the outcome of its review on 18 March 2015 and upheld its decision that the information held relevant to part one of the request was exempt under section 42, and the information held relevant to part three of the request was exempt under 40(2) of the FOIA. In respect of part two of the request, the Council stated that "this is not a valid request for information under the Act and therefore the Authority declines to comply with this part of the request".

Scope of the case

6. The complainant contacted the Commissioner on 20 March 2015 to complain about the way her request for information had been handled.
7. During the course of the Commissioner's investigation, the Council stated that it did not hold a copy of the legal advice as the advice was provided verbally during a meeting with Counsel on 24 February 2014. However, the Council stated that the legal advice obtained was set out in a publicly available report considered by its Development Control Committee at its meeting on 8 January 2015. The Council also stated that it did not hold information relating to part two of the request and maintained that the name of Counsel who was consulted was exempt under section 40(2) of the FOIA.
8. Upon further investigation the Commissioner identified that the Council held a file note of the meeting with Counsel on 24 February 2014. The Council disclosed the parts of this file note which were set out in the report to the Development Control Committee, and maintained that the other legal advice contained within the file note was exempt under regulation 12(5)(b) of the EIR. The Council also stated that the name of Counsel was exempt under section 40(2). However, the Council

disclosed the name of the chambers of which Counsel is a member. The Council also confirmed that it did not hold information relevant to part two of the request, relating to previous case law.

9. In light of the above, the scope of the Commissioner's investigation is to determine the following:
 - (i) Part one of the request - whether the Council should disclose the parts of the file note of the conference with Counsel on 24 February 2014, or whether it was correct in relying on regulation 12(5)(b) of the EIR.
 - (ii) Part two of the request - whether the Council holds information relevant to this request.
 - (iii) Part three of the request – whether the Council should disclose the name of Counsel consulted or whether it was correct in relying on section 40(2) of the FOIA.

Reasons for decision

Correct access regime

10. Information is 'environmental information' if it meets the definition set out in regulation 2 of the EIR. If the information satisfies the definition in regulation 2 it must be considered for disclosure under the terms of the EIR rather than the FOIA.
11. Under regulation 2(1)(c) of the EIR, any information on activities affecting or likely to affect the elements or factors of the environment listed in regulation 2 will be environmental information. One of the elements listed is land.
12. Parts one and two of the request relate to legal advice and previous case law relating to a planning matter. The Commissioner considers that planning is a measure which is likely to have an effect on the elements of the environment, namely land and landscape. He therefore considers that the EIR is the correct access regime for parts one and two of the request.
13. Part three of the request is for the name of Counsel who provided the Council with legal advice relating to the development in question. The Commissioner does not consider that the name of Counsel constitutes environmental information and therefore the correct access regime is the FOIA.

Regulation 12(5)(b) – Legal professional privilege (part one of the request)

14. Under this exception, a public authority can refuse to disclose information to the extent that disclosure would adversely affect “the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature”. The Commissioner accepts that the exception is designed to encompass information that would be covered by Legal Professional Privilege ('LPP').
15. The success, or not, of an application of regulation 12(5)(b) in terms of LPP will turn on three principal questions –
 - (i) Is the information covered by LPP?
 - (ii) Would a disclosure of the information adversely affect the course of justice?
 - (iii) In all the circumstances, does the public interest favour the maintenance of the exception?

Is the information covered by LPP?

16. There are two types of privilege – litigation privilege and legal advice privilege. Litigation privilege applies to confidential communications made for the purpose of providing or obtaining legal advice about proposed or contemplated litigation. There must be a real prospect or likelihood of litigation, rather than just a fear or possibility. Legal advice privilege is attached to confidential communications between a client and its legal advisers, and any part of a document which evidences the substance of such a communication, where there is no pending or contemplated litigation.
17. In order to attract LPP, the information must be communicated in a professional capacity; consequently not all communications from a professional legal adviser will attract advice privilege. For example, informal legal advice given to an official by a lawyer friend acting in a non-legal capacity or advice to a colleague on a line management issue will not attract privilege. Furthermore, the communication in question also needs to have been made for the principal or dominant purpose of seeking or giving advice. The determination of the dominant purpose is a question of fact and the answer can usually be found by inspecting the documents themselves.
18. The withheld information in this case comprises consists of a file note of a meeting that the Council had with Counsel on 24 February 2014. The Council considers the information attracts legal advice privilege.

19. The Commissioner is satisfied that the withheld information consists of communications that, at the time they were made, were confidential; were made between a client and professional legal advisers acting in their professional capacity; and were made for the sole or dominant purpose of obtaining legal advice. Therefore, the Commissioner is satisfied that the withheld information is subject to legal professional privilege
20. Information will only be privileged so long as it is held confidentially. As stated earlier in this notice, the Council confirmed that some of the legal advice received during the conference with Counsel (and referred to in the file note) was set out in a report considered by its Development Control Committee at its meeting on 8 January 2015. The Council acknowledged that privilege had, therefore, been lost in relation to some parts of the file note. As a result it disclosed this information to the complainant. The remaining parts of the file note had not been disclosed into the public domain, and therefore privilege was not lost.
21. Based on the Council's representations and the report to the Development Control Committee, the Commissioner is satisfied that the remaining withheld information contained within the file note was not publicly known at the time of the request, and there is therefore no suggestion that privilege has been lost.

Would disclosure have an adverse effect on the course of justice?

22. The Council asserts that LPP is a key element of the administration of justice which is part of the activities encompassed by the phrase "course of justice". The Council considers that disclosure of the withheld information would be likely to prejudice its ability to obtain advice on its legal rights and obligations. The legal advice provided by Counsel in this case refers to an opinion based on a particular set of circumstances and the advice could be used in the future. In light of this, the Council is satisfied that it is more than likely that disclosure of the legal advice in this case would adversely affect the course of justice.
23. In the case of *Bellamy v Information Commissioner and Secretary of State for Trade and Industry (EA/2005/0023)*, the Information Tribunal described legal professional privilege as, "a fundamental condition on which the administration of justice as a whole rests". The Commissioner accepts that disclosure of the legal advice would undermine the important common law principle of legal professional privilege. This would in turn undermine a lawyer's capacity to give full and frank legal advice and would discourage people from seeking legal advice.
24. In consideration of the above, the Commissioner is satisfied that it is more probable than not that disclosure of the withheld information

would adversely affect the course of justice and is therefore satisfied that regulation 12(5)(b) is engaged in respect of the withheld information. He has gone on to consider the public interest test.

Public interest arguments in favour of disclosing the information

25. The Council acknowledges that disclosure would promote accountability and transparency in its decision making and ensure that the Council is seen to be acting appropriately and with probity, and that planning principles are being applied fairly and equally.
26. The Council also acknowledges that there is a public interest in disclosure in light of the fact that there was a cost to the public purse in obtaining legal advice from Counsel. The Council confirmed that it has also taken into account the presumption in favour of disclosure as set out in regulation 12(2) of the EIR.
27. The legal advice in this case relates to the enforcement of planning conditions to secure restoration of an opencast mining site. The complainant considers there is a significant public interest in having sight of the legal advice as it indicates that planning enforcement action to secure restoration would be likely to be unsuccessful. The complainant explained that communities near to the site in question have been subject to open cast mining since the 1990s. This has resulted in pollution, noise, light, dust and significant visual intrusion. It has also resulted in the destruction of two cross valley roads and up to 23 footpaths. The complainant considers that since the claim that enforcement action would be likely to be unsuccessful arose such a long time after restoration should not only have been enforced (in 2008) but should in fact have been completed (by 31 December 2010), the public has a right to access information the Council holds which would explain why enforcement action is unlikely to be successful.

Public interest arguments in favour of maintaining the exception

28. In relation to the public interest in favour of maintaining the exception, the Council put forward the following arguments:
 - It is in the public interest that decisions taken by the Council are made in a fully informed legal context.
 - The Council requires legal advice for the effective performance of its operations and that advice must be given by lawyers who are fully apprised of the factual background.
 - Disclosure could materially prejudice the Council's ability to protect and defend its legal interests.

- The importance of maintaining the principle behind LPP in safeguarding the openness of communications between a client and his or her lawyer to ensure access to full and frank legal advice.
- Issues relating to Margam Opencast are still live and therefore the legal advice cannot be said to have served its purpose.
- There has been no dishonesty or improper conduct on the part of the Council.

Balance of the public interest arguments

29. The Commissioner has carefully considered the arguments presented in favour of maintaining the exception against the arguments favouring disclosure and, in doing so, he has taken account of the presumption in favour of disclosure as set down by regulation 12(2). Even in cases where an exception applies, the information must still be disclosed unless 'in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information'. The threshold to justify non-disclosure is consequently high.
30. The Commissioner accepts that there is a public interest in disclosing information that allows scrutiny of a public authority's role and enhances transparency in its decision making process by allowing the public to understand and challenge those decisions. The Commissioner also accepts that disclosure promotes public debate and the accountability and transparency of public authorities in general. He believes that this is especially the case where the public authority's actions have a direct effect on the environment.
31. The Commissioner appreciates that there is a strong public interest in public authorities being as accountable as possible in relation to planning activities, particularly large scale developments affecting a significant amount of people. He accepts that disclosure of the legal advice in this case would provide a degree of transparency and reassurance in relation to the Council's decisions regarding the site in question and may assist the public in understanding the legal basis for such.
32. The Commissioner considers that another factor in favour of disclosing the information is the number of people who may be affected by the subject matter. In *Pugh v Information Commissioner and Ministry of Defence (EA/2007/0055)*, the Information Tribunal said that there may be an argument in favour of disclosure where the subject matter of the requested information would affect "a significant group of people". The Commissioner notes that the site in question has been a concern for residents in the local community for a number of years. Residents and the Council itself have serious concerns about the "void" at the site,

which is the result of mining operations that has been filling with water ever since operations ceased in 2008. The rising water level poses a number of public safety issues, including potentially flooding onto nearby land. It is therefore clear that the subject matter of this request does have the potential to affect a fairly significant group of people.

33. Whilst the Commissioner considers that the arguments in favour of disclosure have significant weight, in his view in this case there are stronger public interest arguments in favour of maintaining the exception. The Council argued that it needs to be able to obtain free and frank legal advice. The Commissioner accepts that if disclosure were ordered, this would undermine the Council's ability to obtain such advice in a timely fashion in the future and have the confidence that advice given is done so freely without the consideration of disclosure. This would lead to advice that is not informed by all the relevant facts. In turn this would be likely to result in poorer decisions being made by the public authority because it would not have the benefit of thorough legal advice. The Commissioner believes that there must be reasonable certainty relating to confidentiality and the disclosure of legal advice. If there were a risk that it would be disclosed in the future the principle of confidentiality might be undermined and the legal advice less full and frank than it should be.
34. The Commissioner notes that the public interest in maintaining this exception is a strong one and to equal or outweigh that inherently strong public interest usually involves factors such as circumstances where substantial amounts of money are involved, where a decision will affect a large amount of people or evidence of misrepresentation, unlawful activity or a significant lack of appropriate transparency. Following his inspection of the information, the Commissioner could see no sign of unlawful activity, evidence that the Council had misrepresented any legal advice it had received or evidence of a significant lack of transparency. Whilst the Commissioner accepts that the decision in this particular case has the potential to affect a fairly significant number of people, he does not feel that this factor alone is enough to outweigh the factors in favour of maintaining the exception.
35. In reaching a view on the balance of the public interest in this case and deciding the weight to attribute to each of the factors on either side of the scale, the Commissioner has considered the circumstances of this particular case and the content of the withheld information. The Commissioner also considers that the timing of the request in this case weighs heavily in favour of maintaining the exception given the matters relating to the site were "live" at the time of the request in that restoration options for the site were still under consideration at that point. Whilst the Commissioner considers that the arguments in favour of disclosure have significant weight, in his view, in this case there are

stronger public interest arguments in favour of maintaining the exception.

36. On balance, the Commissioner is satisfied that, in this case, the public interest in protecting the established convention of legal professional privilege is not countered by at least equally strong arguments in favour of disclosure. He has therefore concluded that the public interest in maintaining the exception at Regulation 12(5)(b) outweighs the public interest in disclosure of the information.

Regulation 5(1) – What recorded information was held – part two of the request

37. Regulation 5(1) provides a general right of access to environmental information held by public authorities. In cases where a dispute arises over the extent of the recorded information that is held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the authority to ascertain information falling within the scope of the request and he will consider if the authority is able to explain why further information is not held. For clarity, the Commissioner is not expected to prove categorically whether information is held by a public authority. He is only required to make a judgement on whether information is held "on the balance of probabilities"¹. Therefore, the Commissioner will consider both:

- the scope, quality, thoroughness and results of the searches undertaken, and
- other explanations offered as to why further information is not held.

38. The Council's position is that it does not hold information relevant to part two of the request. Part two of the request is for "references to the subsequent case which is said to indicate that the above consent is not enforceable". The Commissioner understands that this request relates to a statement within the report considered by the Council's Development Control Committee meeting on 8 January 2015². Item 3 of the report

¹ This approach is supported by the Information Tribunal's findings in *Linda Bromley and Others / Environment Agency* (31 August 2007) EA/2006/0072

² Item 3 - http://www.bridgend.gov.uk/web/groups/public/documents/agenda_moderngov/115998.pdf

relates to the site in question. Under the heading of "Planning enforcement position" reference is made to the legal advice which the Council obtained from Counsel on 24 February 2014, and states that:

"Earlier this year BCBC (the Council) obtained further advice from Counsel regarding the feasibility of enforcement. The advice concluded that any enforcement from a BCBC perspective would likely be unsuccessful.....However, case law has subsequently established that an application under section 73 of the Town and Country Planning Act 1990 to relax a condition is tantamount to a fresh application for the development as a whole..."

39. The Council acknowledged that there are references to case law within the information contained in its note of the conference with Counsel which have been withheld under regulation 12(5)(b). However, it does not consider the references to other case law to fall within the scope of the request as they have no relevance to enforcement conditions attached to a planning consent. The Council provided the Commissioner with explanations to support its position. As the information in question has been withheld by the Council and the Commissioner has upheld the Council's application of regulation 12(5)(b) to the information concerned, for obvious reasons the Commissioner is unable to include here any detail about the Council's reasons why the references to other case law are not relevant to part two of the request. However, the Commissioner is satisfied that, based on the representations provided by the Council, the references to other cases within the withheld information are not relevant to part two of the request.
40. In terms of the searches conducted, the Council confirmed that a search was undertaken of all paper files about the site held by its legal department. In addition, searches were conducted of paper and electronic files held by the relevant Planning Officer. The Council confirmed that it was not aware of any information relevant to the request having been deleted or destroyed.
41. One of the Council's officers who attended the meeting with Counsel on 24 February 2014 recalls that the reference made by Counsel to "case law" in terms of section 73 applications constituting a fresh application was a more general reference to recent case law. The officer does not recall any particular cases being referred to or mentioned by Counsel at the meeting. As Counsel is a leading planning barrister, the Council had no reason to doubt their interpretation of the situation.
42. Based on the representations provided by the Council the Commissioner is satisfied that it has carried out adequate searches of all places and files where the information would be held. There is no evidence of any inadequate search or grounds for believing there is a motive to withhold

information. Based on the searches undertaken, the content of the withheld information in which reference was made to previous case law and the other representations provided by the Council, the Commissioner is satisfied that on the balance of probabilities the Council does not hold any further recorded information relevant to part two of the request.

Section 40 – the exemption for personal data

43. Section 40(2) of the FOIA states that information is exempt from disclosure if it constitutes the personal data of a third party and its disclosure under the FOIA would breach any of the data protection principles or section 10 of the Data Protection Act 1998 ('the DPA').
44. The Council has applied section 40(2) to part three of the request, which asked for the identity of Counsel. The Council considers that the information constitutes the personal data of the individual concerned and that disclosure would breach the first data protection principle.

Is the requested information personal data?

45. In order to rely on the exemption provided by section 40, the information being requested must constitute personal data as defined by section 1 of the DPA. It defines personal information as data which relates to a living individual who can be identified:
 - from that data,
 - or from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller.
46. In considering whether the information requested is "personal data", the Commissioner has taken into account his own guidance on the issue³. The two main elements of personal data are that the information must "relate to" a living person, and that person must be identifiable. Information will "relate to" a person if it is about them, linked to them, has some biographical significance for them, is used to inform decisions affecting them, has them as its main focus or impacts them in any way.
47. The withheld information relevant to part three of the request comprises the name of Counsel who was consulted in relation to the planning

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http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Data_Protection/Detailed_specialist_guides/PERSONAL_DATA_FLOWCHART_V1_WITH_PREFACE001.ashx

enforcement position at the site in question. The Commissioner is satisfied that the requested name relates to a living individual who may be identified from that data. The requested information therefore falls within the definition of personal data as set out in the DPA.

Would disclosure breach one of the data protection principles?

48. Having accepted that the information requested constitutes the personal data of a living individual other than the applicant, the Commissioner must next consider whether disclosure would breach one of the data protection principles. He considers the first data protection principle to be most relevant in this case. The first data protection principle has two components:

- personal data shall be processed fairly and lawfully; and
- personal data shall not be processed unless at least one of the conditions in DPA schedule 2 is met.

Would disclosure be fair?

49. In considering whether disclosure of the information requested would comply with the first data protection principle, the Commissioner has first considered whether disclosure would be fair. In assessing fairness, the Commissioner has considered the reasonable expectations of the individual concerned, the nature of those expectations and the consequences of disclosure to the individual. He has then balanced against these the general principles of accountability and transparency, as well as any legitimate interests which arise from the specific circumstances of the case.

The Council's position

50. The Council confirmed that it consulted with the individual concerned in this case who did not consent to disclosure of their name. The individual advised that they did not expect any of the legal advice to be disclosed as it was subject to legal professional privilege, and the individual had no expectation that their name would be disclosed into the public domain either. As mentioned earlier in this notice, the Council has confirmed that parts of the legal advice were contained in a publicly available planning report to its Development Control Committee.

51. In terms of the consequences of disclosure, the Council stated that disclosure "could prejudice the commercial interests of both the named self-employed barrister and their Chambers". However, the Council did not provide any further explanation or evidence of any consequences of disclosure on the individual.

52. During the course of the Commissioner's investigation, the Council disclosed the name of the Chambers that Counsel is a member of. The Council does not consider there is any compelling public interest in disclosure of the name of Counsel, particularly as the parts of the legal advice of most interest to the public itself have been disclosed within the planning report.
53. In light of the expectations of the individual, the circumstances in which the personal data was obtained ie to obtain legal advice, the fact that the individual has not consented to disclosure, and the disclosure of the name of the chambers of which Counsel is a member, the Council does not consider there is any legitimate public interest in disclosure of Counsel's name.

The complainant's position

54. As referred to earlier in this notice, the complainant referred to the wider public interest in the subject matter associated with this request, given the impact that the opencast site has had, and continues to have, on local residents.
55. As well as the issues around the restoration of the site, there have been a number of legal cases relating to allegations that named individuals deliberately and dishonestly prejudiced the Council and a neighbouring local authority's ability to enforce restoration obligations at the site, by establishing off shore companies and transferring the freehold title of the land to the companies. The complainant referred to media articles about these legal cases which suggested that the solicitors involved in the transfer of the freehold titles worked for a firm of solicitors who are often used by Welsh local authorities. She considers there is a legitimate public interest in disclosure of the identity of Counsel in the interests of transparency and accountability and to provide reassurance that there are no conflict of interest issues in relation to the provision of the legal advice in this case.

The Commissioner's position

56. The Commissioner's guidance on section 40 suggests that when considering what information third parties should expect to have disclosed about them, a distinction should be drawn as to whether the information relates to the third party's public or private life. In this case, the information relates to the individual's work life and there are no private considerations. The Commissioner notes that the individual in question holds a senior position within the legal profession.
57. However, the Commissioner has taken into account the fact that the individual is not a public authority employee and has not consented to

disclosure of their name. In this case, the Commissioner accepts that the individual concerned would not have had an expectation that their name would be disclosed into the public domain.

58. In light of the lack of representations from the Council the Commissioner is unable make any assessment about how disclosure could prejudice the commercial interests of the individual concerned. He has therefore not considered this. The Commissioner notes that the site has been the subject of considerable concern to local residents and has attracted media attention. He accepts that disclosure has the potential to lead to the individual concerned being targeted about the subject matter and could also expose them to unfair allegations. This could in turn cause disruption to the individual if disclosure led to them being contacted by third parties who have concerns about the subject matter of the request.
59. There is always some legitimate public interest in the disclosure of any information held by public authorities. This is because disclosure of information helps to promote transparency and accountability amongst public authorities. This in turn may assist members of the public in understanding decisions taken by public authorities and perhaps even to participate more in decision-making processes. The Commissioner notes that the subject matter of the request is large scale development which affects a significant amount of people, and one which has attracted considerable media attention. He accepts that disclosure of the name of Counsel who was consulted would provide a degree of transparency and reassurance in relation to the Council's decisions regarding the site
60. Taking all of the above into account, the Commissioner considers that this is a finely balanced decision but has concluded that it would be unfair to the individual concerned to release their personal data. He acknowledges that there is a legitimate interest in matters relating to the site, but he does not consider that any legitimate interests in disclosure outweigh the individual's reasonable expectations and right to privacy. As the Commissioner has decided that the disclosure of the information would be unfair, and therefore be in breach of the first principle of the DPA, he has not gone on to consider whether there is a Schedule 2 condition for processing the information in question. The Commissioner has therefore decided that the Council was entitled to withhold the information under section 40(2) of the FOIA.

Other matters

61. The Commissioner notes that the Council initially relied on section 42 of the FOIA for parts one and two of the request. However, during the course of the Commissioner's investigation the Council first stated it did

not hold recorded information relevant to part one of the request as the legal advice was given verbally. Following further enquiries, the Council located a file note of the meeting with Counsel. Some of the information had been disclosed in a publicly available report and the remainder was withheld under regulation 12(5)(b). It therefore appears that the Council had not done a thorough job of identifying what relevant information was held prior to citing section 42 of the FOIA. The Council should ensure in future that its first step upon receiving an information request is to identify all relevant information it holds. Only then should it consider to what extent this information may be covered by exemptions or exceptions. A failure to obtain or consider the actual information requested could, as in this case, result in an incorrect or inaccurate response being issued. The Commissioner considers that this is very poor practice.

Right of appeal

62. 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@hmcts.gsi.gov.uk

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

63. 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.
64. 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

Anne Jones
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