



**FIRST-TIER TRIBUNAL**

**GENERAL REGULATORY CHAMBER**

<b>Appellant:</b> <b>Insolvency Service</b>	<b>Tribunal Ref. EA/2012/0097</b>
<b>Respondent:</b> <b>The Information Commissioner</b>	

**DECISION NOTICE**

In the light of the submissions now made by the present two parties to the appeal the Tribunal Judge formally approves the following Consent Order that was agreed previously by those parties and makes no further order.

<b>Signed:</b> <b>David Marks Q.C.</b>	<b>Date:</b> <b>19 December 2012</b>
<b>Judge</b>	

**IN THE FIRST TIER TRIBUNAL (INFORMATION RIGHTS)**

**Appeal Ref. EA/2012/0097**

**BETWEEN:**

**INSOLVENCY SERVICE**

**Appellant**

**and**

**THE INFORMATION COMMISSIONER**

**Respondent**

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**CONSENT ORDER**

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Pursuant to rule 37(1) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, it is ordered that:

1. The appeal is part allowed.
2. For the reasons set out in Annex A to this Consent Order, the Decision Notice FS50435026 dated 27 March 2012 is substituted as follows:

The information set out in Annex B to this Consent Order is exempt information under the relevant exemption(s) set out in column C of Annex B, and in each case the public interest in maintaining the exemption outweighs the public interest in disclosure.

3. The Appellant will disclose the requested information to the Requester, subject to the redaction of the exempt information as identified within Annex B, within 28 days of this Order.
4. There be no order for costs.

## **ANNEX A**

### **Statement of reasons for consent order**

1. This appeal is brought against a Decision Notice issued by the Respondent dated 27 March 2012 (reference FS50435026). That Decision Notice found that the 'Enforcement Investigation Guide' (the **EIG**) held by the Appellant was not exempt information under section 22 of the Freedom of Information Act 2000 (**FOIA**), and ordered disclosure of the EIG.
2. The Appellant appealed the Decision Notice. The Appellant set out its arguments as to why it considered some of the information contained within the EIG was exempt from disclosure under other provisions in FOIA.
3. Further dialogue took place between the parties. In respect of some information within the EIG the Appellant no longer sought to rely on any exemptions. As regards other information within the EIG, having reviewed the Appellant's arguments and having sought and received explanation from the Appellant in certain regards, the Respondent accepts that certain information within the EIG may be redacted from the EIG on the basis that it is exempt information under FOIA, and that the public interest in maintaining the stated exemption outweighs that in its disclosure. Annex B to this Order sets out the extent of the redactions, and the relevant provision of FOIA.