



Neutral citation number: [2025] UKFTT 00271 (GRC)

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

Case No: EA/2023/0005

Decision given on 27 February 2025

BETWEEN:

SIMON BROWN

Appellant

- v -

THE INFORMATION COMMISSIONER (1)

MINISTRY OF DEFENCE (2)

Respondents

Date and type of Hearing: - 27 February 2025.

Before: Judge Brian Kennedy KC

Date of Decision: - 27 February 2025.

Result: On presentation of this draft Consent Order on behalf of the parties, and provided the respective parties sign same, the Tribunal have approved the Consent order as follows:

CONSENT ORDER

UPON the Ministry of Defence's letter to the Appellant dated 17 February 2025: - 1) disclosing the information in scope of the Appellant's request and 2) formally retracting its allegation at paragraph 14 of its letter to the Commissioner dated 29 November 2022 (page E254) that the Appellant "has openly admitted to MOD that his aim is to 'bury the Department in FOIs";

AND UPON noting that:

(i) The Information Commissioner maintains his view that, notwithstanding the recent release of withheld information the Decision Notice (ref: IC-162312-L7G3) dated 5 December 2022 was correct to conclude s14 applied to the request due to the evidence before the Commissioner at the time of issuing his Decision Notice

(ii) The Ministry of Defence no longer rely upon s14, and the Appellant does not accept the Commissioner's maintenance of the position in the Decision Notice.

(iii) The Appellant nevertheless withdraws this appeal on the basis that he has now been provided with the information he was seeking. The appeal is withdrawn in order to avoid further expenditure of public funds and judicial resource. Pursuant to rule 37(1) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Change) Rules 2009,

IT IS ORDERED BY CONSENT THAT:

- 1) The Appellant's appeal is withdrawn.
- 2) The hearing dated Friday 28 February 2025 is vacated.

Dated this 26 day of February 2025

Signed.....

Simon Brown

Appellant

Signed S. Arora Signed

Sapna Arora Serkan Bastug for the Treasury Solicitor

Solicitor for the First Respondent Lawyer for the Second Respondent

Signed Consent Order Approved:

Judge Brian Kennedy KC

27 February 2025.