

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 26 November 2012

**Public Authority:** Cabinet Office  
**Address:** 70 Whitehall  
London SW1A 2AS

### Decision (including any steps ordered)

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1. The complainant has requested information about the sequence of events leading up to and following the nationalisation of Bradford and Bingley in 2008. He also asked for confirmation or denial as to whether the matter was discussed and recorded at meetings of the Cabinet. The Cabinet Office refused to provide information in response to the request for information about the sequence of events. It cited section 29 (Prejudice to UK economic interests) and two parts of section 35 (Formulation/Development of government policy and Ministerial communications) as its reasons for doing so. It upheld this at internal review. It also introduced reliance on section 41 (Information provided in confidence) and section 43 (Prejudice to commercial interests) once the Commissioner's investigation into this complaint had begun. At the same time, the Cabinet Office sought to rely on section 35(3) as a basis for refusing to confirm or deny whether it held any records of Cabinet discussions of the nationalisation of Bradford and Bingley.
2. The Commissioner's decision is that the Cabinet Office is entitled to rely on section 35(1)(a), section 35(1)(b) as a basis for refusing to provide certain information and section 35(3) as a basis for refusing to confirm or deny whether it holds other information. However, the Cabinet Office contravened the requirements of section 10 (Timeliness of response) and section 16 (Advice and assistance) when handling this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - To provide advice and assistance to the complainant by providing him with the names of public authorities set out in a Confidential Annex to this Notice and other explanatory details that are also set out in the Confidential Annex to this Notice.

4. The public authority must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Request and response

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5. On 9 March 2011, the complainant wrote to the Cabinet Office and requested information in the following terms:
  6. *"I enclose BBAG's [Bradford & Bingley Action Group] latest Update No. 10 and would draw your attention in paragraph 2 of the reply of the Cabinet Office to a request for full details of the sequence of events pre and post the nationalisation of B&B [Bradford and Bingley] under the FOI. ...[Reference then made to information in Gordon Brown's book 'Beyond the Crash' as evidence which contradicted a previous denial by the Cabinet Office that information was held]... So we were told there were no files but what about the emails, faxes, telephone calls and meeting notes assuming the latter were not shredded? I would appreciate full details of all evidence pertaining to this matter from the Cabinet Office under the FOI. It is my understanding that the Cabinet discussed the nationalisation of Northern Rock but not B&B. If this is so, and there are no files, confirmation that members of the then Cabinet never received briefing notes nor formally discussed and approved the nationalisation of B&B will also be helpful".*
7. The Cabinet Office responded on 10 October 2011 following the Commissioner's intervention. It refused to provide the requested information. It cited the following exemptions as its basis for doing so:
  - section 29(1)(a) (Prejudice to UK economic interests)
  - section 35(1)(a) (Formulation/Development of government policy)
  - section 35(1)(b) (Ministerial Communications)
8. It should be noted that the Cabinet Office offered no comment to the complainant as to whether it held records of information showing whether the matter was discussed at Cabinet.
9. The complainant requested an internal review on 14 November 2011. After a further delay and a further intervention by the Commissioner's office, the Cabinet Office provided the outcome of its

internal review on 31 January 2012. It upheld its original position. More comment on the Cabinet Office's delay in handling the request for internal review is set out in the Other Matters section of this Notice.

## Scope of the case

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10. The complainant first contacted the Commissioner on 24 July 2011 to complain about the Cabinet Office's failure to respond to his request.
11. Following the Cabinet Office's internal review on 31 January 2012, the complainant contacted the Commissioner again on 10 April 2012 to complain about the way his request for information had been handled. Specifically, he raised concerns about
  - the delays that had arisen in the handling of his request;
  - the Cabinet Office's use of exemptions at section 29 and section 35; and
  - the Cabinet Office's failure to provide confirmation or denial as to whether it held records of Cabinet discussions regarding the nationalisation of Bradford and Bingley.
12. As noted above, the Cabinet Office also introduced reliance on exemptions at section 41 and 43 once the Commissioner had started his investigation.
13. The Commissioner has therefore looked at the three points raised in the complaint.
14. The Commissioner would note considerable delays on the Cabinet Office's part in responding to his inquiries. At one point, the Commissioner threatened to issue an Information Notice under section 51 of the FOIA in order to obtain a response. The Commissioner is extremely disappointed that such delays arose, particularly given the delays experienced by the complainant when he made his initial request and his request for internal review.

## Reasons for decision

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15. Section 1 of the FOIA sets out a two-part right to know. In accordance with the first part (section 1(1)(a)), a public authority must confirm or deny whether it holds information that is described in a request made to it. In accordance with the second part (section

1(1)(b)), a public authority must provide that information. Exemptions can apply to both parts.

16. In this case, there are two sets of information described in the request. One is a sub-set of the other. It is important to note the difference between the two and the Cabinet Office's separate approach to each.
17. The primary set is information which records "*full details of the sequence of events pre and post the nationalisation of B&B [Bradford and Bingley]*". The request gives examples of the kind of records where this information might be held: "*emails, faxes, telephone calls and meeting notes assuming the latter were not shredded*" and refers to seeking "*full details of all evidence pertaining to this matter from the Cabinet Office under the FOI*". The Commissioner will now refer to this as the "primary request".
18. The second (a sub-set of the first) is information which shows whether "*members of the then Cabinet [ever] received briefing notes [or] formally discussed and approved the nationalisation of B&B*". The Commissioner will now refer to this as the "secondary request".
19. The Commissioner makes the distinction between the primary and the secondary request because, strictly speaking, records which show that that the nationalisation was discussed at Cabinet would, if held, fall within the scope of the primary request – it would form part of the record showing the sequence of events before and after the nationalisation of Bradford and Bingley. However, the complainant's secondary request is specifically about whether records of Cabinet discussions are held. After prompting from the Commissioner, the Cabinet Office has taken a specific position on this subset.
20. The Cabinet Office's position is as follows: It has confirmed that it holds recorded information within the scope of the primary set of information but has argued that it is not obliged to provide it and has cited a number of exemptions in support of this.
21. As regards the secondary request, the Cabinet Office has refused to confirm or deny whether it holds records (such as briefing notes or minutes of meetings) which show that the Cabinet formally discussed and approved the nationalisation of Bradford and Bingley. It has argued that it can rely on an exclusion in FOIA from its obligation to provide such confirmation or denial.
22. This notice will address the Cabinet Office's arguments in relation to the primary request and the secondary request. However, it should be noted that the Cabinet Office's submissions to the Commissioner include direct references to the information in question. Therefore, in order to ensure that the decision notice does not include details of

the information in question the Commissioner's analysis of these submissions is necessarily brief and omits a number of specific points made by the Cabinet Office.

23. The complaint in this case also includes concerns raised about the way the Cabinet Office handled this request, in particular, the delays that arose. These are also addressed later in this Notice.

### **The primary request**

24. The Cabinet Office has confirmed that it holds records which cover "*the sequence of events pre and post the nationalisation of B&B [Bradford and Bingley]*". It has applied section 35(1)(a) and (b) to this information as well as provisions of sections 29, 41 and 43.

### **Section 35(1)(a) and (b)**

25. Section 35 is a class based exemption, therefore if information matches the description set out in a particular sub-section of 35(1) then this information will be exempt; there is no need for the public authority to demonstrate prejudice to these purposes.
26. The relevant parts of section 35 of FOIA which the Cabinet Office has cited in this case state that:

*'Information held by a government department or by the National Assembly for Wales is exempt information if it relates to-*  
*(a) the formulation or development of government policy,*  
*(b) Ministerial communications'*

27. The Cabinet Office has applied section 35(1)(a) to all the information in question. It has drawn attention to the fact that some of the information within the scope of this part of the request also falls within the description of Ministerial communications. It explained that all the information in question (including information which constitutes Ministerial communications) relates to the formulation and development of the government's policies in relation to Bradford and Bingley, the UK financial sector and the difficult economic conditions prevailing globally at the time, the so-called "credit crunch".<sup>1</sup>
28. The Cabinet Office drew attention to the fact that the UK government is still dealing with the economic aftermath of the credit crunch and therefore, although the decision to nationalise Bradford and Bingley was taken some time ago, the policy making process covered in the withheld information is still live.

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<sup>1</sup> Oxford English Dictionary definition: "a sudden sharp reduction in the availability of money or credit from banks and other lenders".

29. The Commissioner has read the withheld information with the scope of this part of the request. He is satisfied that this information does fall within the description set out in section 35(1)(a). He is also satisfied that the information refers to policy matters the formulation and development of which is on-going. This relates to the government's policy on dealing with the aftermath of the credit crunch.
30. He is also satisfied that some of it falls within the description set out in section 35(1)(b). This is because some of the withheld information also relates to Ministerial communications.

### **Section 35(1)(a) and (b) - Conclusion**

31. The Commissioner is therefore satisfied that the information held by the Cabinet Office which covers "*the sequence of events pre and post the nationalisation of B&B [Bradford and Bingley]*" is exempt information under section 35(1)(a). Some of it is also exempt under section 35(1)(b).
32. The provisions of section 35 are subject to a balance of public interest test. The Cabinet Office is not entitled to withhold the information under sections 35(1)(a) and (b) unless the public interest in maintaining these exemptions outweighs the public interest in disclosure.

### **Section 35(1)(a) and (b) - Public interest test**

#### **The complainant's arguments**

33. The complainant set out a number of arguments in favour of disclosure. In his opinion, the decision to nationalise Bradford and Bingley was a mistake made in haste for political reasons. He contrasted the decision made in relation to Bradford and Bingley with the decisions made in relation to the Royal Bank of Scotland and Halifax, Bank of Scotland.
34. He also raised concerns about a particular international accounting standard (IAS 39) that was adopted by the UK Government in 2002 which "*enabled the banking industry to indulge in what many believe was false accounting*". In his view, this added weight to the argument for greater transparency regarding the formulation and development of the government's policies with regard to the banking industry.
35. He also referred to the fact that there had been a rights issue in order to raise capital for the bank shortly before nationalisation. He drew attention to the fact that Bradford and Bingley's auditors were able to sign off the 2007 Report & Accounts, a dividend was paid and

a successful rights issue was approved by the Financial Services Authority ("FSA") and was completed less than eight weeks before the nationalisation. He also commented that the bank apparently had a healthy Tier 1 capital ratio (risk/assets ratio) prior to nationalisation which made the decision all the more open to question. This ratio was far stronger, he said, than that attributed to either the Royal Bank of Scotland or Halifax, Bank of Scotland. The apparent inconsistencies described above were troubling and seemed to indicate that Bradford and Bingley shareholders were not treated in a "*proportionate and equitable manner*".

36. He also had overall concerns about the tripartite regulatory system (HM Treasury, the FSA and the Bank of England) and believed that the Bradford and Bingley episode was an example of its failure to regulate properly the financial services sector.
37. He also asserted that the decision of the Independent Valuer (assigned by HM Treasury to determine whether shareholders were entitled to compensation) was flawed.<sup>2</sup>
38. He also drew attention to the significant financial hardship that shareholders had reported to him. He numbered contact from other shareholders as being in the thousands. He described many of these descriptions of financial hardship as "*heartbreaking*".
39. He also argued that the Cabinet Office's poor handling of his request indicated a reluctance on its part to be open about the events in question – it was only when he drew its attention to Gordon Brown's comments about the turn of events in his memoir of the period "Beyond the Crash" that it acknowledged that it held information within the scope of the request.

### **The Cabinet Office's arguments**

40. In its submissions to the Commissioner, the Cabinet Office explained that the public interests in respect of both exemptions were overlapping.
41. It acknowledged the public interest in transparency, particularly where that contributed to increasing the public's understanding of and participation in public affairs. It also recognised a strong public interest in understanding how the government approached the economic crisis of 2008.
42. However, it said that there was a stronger public interest in maintaining the confidentiality of information related to policy discussions in a safe space. It drew particular attention to what it

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<sup>2</sup> <http://www.bandbvaluer.org.uk/download.html>

considered to be the strong public interest in preserving the confidentiality of communications between ministers where section 35(1)(b) applied.

43. The Cabinet Office also drew attention to the fact that although the decision to nationalise Bradford and Bingley had been taken at the time of the requests (and there had been a change of government) the information was still relatively recent. The public interest in protecting the process remained strong because issues referred to in the information remained the subject of live policy formulation and development. It explained all the above in more detail with specific reference to the information in question. It also provided other arguments with specific reference to the information in question.

### **The Commissioner's position**

44. The Commissioner thinks that the public interest test in this case is finely balanced. The complainant has set out a number of compelling arguments in favour of disclosure. The Commissioner has had regard for the controversial part played by the implementation of IAS 39 in the banking crisis. He notes that this has been discussed by the House of Lords Economic Affairs Select Committee.<sup>3</sup> This suggests that the complainant's concerns are not purely speculative.
45. The Commissioner has also had regard for the fact that a rights issue was approved by the regulatory authorities shortly before the bank was nationalised. The Commissioner acknowledges that nationalisation is a dramatic step for any government to take, particularly given the trend towards privatisation that has been ongoing since the late 1970s under successive governments.
46. A company cannot conduct a rights issue without proper authorisation. The Commissioner notes that the tripartite regulatory system in operation at the time of the events in question has been the subject of considerable controversy. It was heavily criticised in a House of Lords Economic Affairs Select Committee report in 2009 (prior to the request)<sup>4</sup>. The current Chancellor, George Osborne, recently made a statement announcing the need to reform the current regulatory system. This followed the LIBOR scandal where concerns were raised about how the system of inter-bank lending was operating in practice.<sup>5</sup> Although the LIBOR scandal is not directly related to the complainant's concerns, the comments of the Select

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<sup>3</sup> <http://www.publications.parliament.uk/pa/ld201011/ldselect/ldeconaf/119/11908.htm>  
(see paras 114 - 133)

<sup>4</sup> <http://www.parliament.uk/business/committees/committees-archive/lords-press-notices/pn020609ea/>

<sup>5</sup> [http://www.hm-treasury.gov.uk/chx\\_statement\\_280612.htm](http://www.hm-treasury.gov.uk/chx_statement_280612.htm)



Committee and the Chancellor show that the complainant's concerns about the tripartite regulatory system are not purely speculative.

47. In other words, there is a compelling public interest in disclosing the information covered in the primary request because it would provide a first-hand illustration of a key event in the banking crisis of 2008. The decision to nationalise was not expected by the bank's previous owners, its shareholders, given the recent rights issue. It also had an extremely negative outcome for the shareholders, in that they received no compensation (see Independent Valuer's report at Note 2).
48. However, the Commissioner agrees with the Cabinet Office that the policy matters referred to in the information remain live. He also notes that the financial services sector remains a key contributor to the UK economy<sup>6</sup>. As such, there is a very strong public interest in protecting the safe space within which members of the government and their officials can discuss how to tackle the ongoing difficulties that the UK economy is facing. Protecting a safe space for discussions can improve the quality of decision making at the heart of government.
49. Considering the information which constitutes Ministerial communications, the Commissioner accepts that there is also compelling public interest in preserving the convention of collective responsibility. This would be undermined by disclosure. Preserving the convention of Collective Cabinet Responsibility allows the Government to be able to engage in free and frank debate in order to reach a collective position, and to present a united front after a decision has been made. This is particularly relevant where the policy matter under discussion is still live or is very recently completed as is the case here.

### **Section 35(1)(a) and (b) - Conclusion**

50. The Commissioner has concluded that the public interest favours maintaining both these exemptions by a narrow margin. He recognises the compelling arguments in favour of disclosure submitted by the complainant. However, he has given particular weight to the Cabinet Office's argument that information contains policy matters which are still being formulated and/or developed. They are, in effect, still live. As explained above, the Commissioner is unable to set out the detail of this argument without revealing the withheld information. With respect to the information which constitutes Ministerial communications, he has given particular weight to maintaining the convention of collective responsibility.

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<sup>6</sup> <http://www.parliament.uk/briefing-papers/SN06193.pdf>

## **Other exemptions relied upon**

51. Because the Commissioner is satisfied that the section 35(1)(a) and (b) apply to the information in question, he has not gone on to consider section 29, section 41 or section 43 as cited by the Cabinet Office.

## **Section 35(3) – secondary request**

52. Section 35(3) provides that:

*"the duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of [section 35] subsection (1)".*

53. The practical consequence of this is that if the information described in the secondary request falls within the descriptions of information set out in section 35(1), the Cabinet Office can refuse to confirm or deny whether it holds it, subject to a balance of public interest test.
54. The information described in the secondary request is any recorded information (such as briefing notes or minutes) which shows that the nationalisation of Bradford and Bingley was discussed by the Cabinet. The Commissioner is satisfied that such information, if it were held, would fall within the descriptions of information set out in section 35(1) (see above at Primary request). He is therefore satisfied that section 35(3) is engaged.
55. Section 35(3) is subject to a public interest test and therefore the Cabinet Office can only maintain this exclusion from its duty to provide confirmation or denial where the public interest in doing so outweighs the public interest in disclosure.

## **Section 35(3) – Balance of public interest test**

### **The complainant's arguments**

56. The Commissioner has taken into consideration the compelling arguments submitted by the complainant that are set out above. The Commissioner notes that the Cabinet Office failed explicitly to confirm or deny to the complainant as to whether it held the information described in the secondary request.

### **The Cabinet Office's arguments**

57. The Cabinet Office recognised that there is a general public interest in transparency to contribute to the public's understanding of and participation in public affairs. It also noted the specific public interest in this case where many members of the public, including Bradford

and Bingley shareholders, are interested in how the government took decisions relating to the financial services sector with particular reference to the decision to nationalise Bradford and Bingley.

58. However, it gave particular focus to the countervailing arguments which support the protection of the safe space in which ministers can discuss matters at issue. It argued that disclosure would undermine this principle.
59. It argued that it was for the Cabinet and the government to decide how decisions should be made and disclosing this information would undermine the Cabinet's sovereignty in this regard. It also gave particular weight to the fact that the issues in question and the decisions taken with respect to them were taken recently and remain sensitive.
60. The Cabinet Office referred to the Ministerial Code in support of its position. At paragraph 2.3, the Code states:

*"The internal process through which a decision has been made, or the level of Committee by which it was taken should not be disclosed. Decisions reached by the Cabinet or Ministerial Committees are binding on all members of the Government. They are, however, normally announced and explained as the decision of the Minister concerned. On occasion, it may be desirable to emphasise the importance of a decision by stating specifically that it is the decision of Her Majesty's Government. This, however, is the exception rather than the rule."*<sup>7</sup>

### **The Commissioner's position**

61. For reasons set out above, the Commissioner believes this matter is finely balanced. However, he has concluded that, given the fact that the events in question were relatively recent, the Cabinet Office's arguments are more compelling. The Commissioner agrees that, in the circumstances of this case, the Cabinet Office is entitled to refuse to confirm or deny whether any records of Cabinet discussions are held. The Commissioner accepts that it is for the Cabinet and the government to determine the level at which matters are discussed and that process, in itself, deserves protection. If confirmation or denial of the level at which decisions are made were routinely provided, this would inevitably lead to pressure on the government to make more decisions at the highest level.
62. The Commissioner is concerned that Cabinet Office is seeking to elevate section 35(3) to an absolute exemption not subject to a

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<sup>7</sup> <http://www.cabinetoffice.gov.uk/sites/default/files/resources/ministerial-code-may-2010.pdf>

balance of public interest test whenever requests of this nature are made. He thinks that there are circumstances when confirmation or denial as to whether the Cabinet discussed a matter would be in the public interest. However, given the fact that the nationalisation of Bradford and Bingley is a relatively recent event and the financial services sector is still subject to difficulties which require government attention, the Commissioner has concluded that the public interest favours maintaining the exclusion at section 35(3). His conclusion in this case was reached by a narrow margin given the unusual nature of the decision to nationalise Bradford and Bingley and the serious consequences of doing so for many of the bank's shareholders.

### **Section 10(1) – time for compliance**

63. Section 10(1) of the FOIA requires that a public authority complies with section 1(1) promptly and in any event not later than 20 working days following the date that a request was received. As noted above, section 1(1) states that a public authority should confirm whether it holds relevant recorded information and, if so, to communicate that information to the applicant.
64. By the Commissioner's calculation, it took 148 working days for the Cabinet Office to respond to the initial request and 53 working days to respond to the complainant's request for an internal review (this is addressed in Other Matters). The Cabinet Office argued that it could not reasonably have recognised the communication as being a request made under the FOIA given that it was contained in an open letter to the Prime Minister. It provided a prompt response once the Commissioner had drawn the request to its attention on 6 September 2011.
65. The Commissioner notes that the open letter specifically states:  
  
*"I would appreciate full details of all evidence pertaining to this matter from the Cabinet Office under the FOI."*  
  
It also specifically states:  
  
*"It is my understanding that the Cabinet discussed the nationalisation of Northern Rock but not B&B. If this is so, and there are no files, confirmation that members of the then Cabinet never received briefing notes nor formally discussed and approved the nationalisation of B&B will also be helpful".*
66. The Commissioner thinks that these statements are an unequivocal request for information under the FOIA and an unequivocal request for confirmation or denial under the FOIA as to whether certain information is held. The letter should therefore have been handled in

accordance with the timescale set out in the FOIA following initial receipt.

67. In the Commissioner's view, the Cabinet Office contravened the requirements of section 10(1) of the Act when it failed to respond to the above request in a timely manner. This section requires public authorities to provide a response within 20 working days.

### **Section 16 - Advice and assistance**

68. Section 16(1) provides that:

*"It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it."*

69. In correspondence with the Commissioner, the Cabinet Office stated that other public authorities might have relevant records. These public authorities are named in a Confidential Annex to this Notice. The Commissioner has seen no evidence in the correspondence submitted to him to show that this point was ever drawn to the complainant's attention.

70. Section 45 of the Code of Practice provides further recommendations as to how to comply with section 16 of the FOIA. At paragraph 17 it states:

*" 17. If the authority has reason to believe that some or all of the information requested, but which it does not hold, is held by another public authority, the authority should consider what would be the most helpful way of assisting the applicant with his or her request.*

*18. In most cases this is likely to involve:*

- a. contacting the applicant and informing him or her that the information requested may be held by another public authority;*
- b. suggesting that the applicant re-applies to the authority which the original authority believes may hold the information; and*
- c. providing him or her with contact details for that authority."*<sup>8</sup>

71. The Commissioner has concluded that the complainant could have benefitted from advice and assistance from the Cabinet Office with regard to redirecting his request to other public authorities. The Commissioner recognises that one of the named public authorities is already known to the complainant (and he has made FOIA requests

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<sup>8</sup> <http://www.justice.gov.uk/downloads/information-access-rights/foi/foi-section45-code-of-practice.pdf>

to that public authority) but the others are not. The Commissioner has further concluded that this advice and assistance should now be provided.

## **Section 16 - Conclusion**

72. The Commissioner has concluded that the Cabinet Office contravened the requirements of section 16 in failing to provide relevant public authority names to the complainant. These are set out in a Confidential Annex to this Notice. The Cabinet Office should now provide this information to the complainant along with other explanatory details that are also set out in the Confidential Annex.

## **Other matters**

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### **Internal Review**

73. Whilst there is no explicit timescale laid down by the FOIA for completion of internal reviews, the Commissioner considers that they should be completed as promptly as possible. The Commissioner believes that a reasonable time for completing an internal review is 20 working days from the date of the request for review. In exceptional circumstances it may be reasonable to take longer but in no case should the time taken exceed 40 working days.
74. The Commissioner is concerned that in this case, it took 53 working days for an internal review to be completed. The Commissioner does not believe that any exceptional circumstances existed to justify that delay, and he therefore wishes to register his view that the Cabinet Office fell short of the standards of good practice by failing to complete its internal review within a reasonable timescale. He would like to take this opportunity to remind the Cabinet Office of the expected standards in this regard and recommends that it aims to complete its future reviews within the Commissioner's standard timescale of 20 working days.

## Right of appeal

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75. 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: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

76. 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.

77. 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** .....

**Graham Smith**  
**Deputy Commissioner**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**