

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

Decision notice

Date: 2 January 2020

Public Authority: East Riding of Yorkshire Council

Address: County Hall
Beverley
HU17 9BA

Decision (including any steps ordered)

1. The complainant has requested recorded information from the East Riding of Yorkshire Council which concerns the disposal or the proposed disposal of a golf course which is occupied by the Belvedere Golf Club. Specifically, the complainant has asked for any documents, letters, emails, meetings and telephone call notes which refer to the Golf Club, or to any developer or developer's agent. The Council has refused the complainant's request on the grounds that the information he seeks is subject to an application of Regulations 12(5)(b) and 12(5)(e) of the EIR.
2. The Commissioner's decision is that the East Riding of Yorkshire Council has correctly applied the exceptions to disclosure provided by Regulations 12(5)(b) and 12(5)(e) of the EIR. The Council is therefore entitled to withhold the information which the complainant has asked for.
3. The Commissioner requires the public authority to take no further action in this matter.

Request and response

4. On 20 November 2018, the complainant wrote to East Riding of Yorkshire Council and requested information in the following terms:
"On 27th March 2018 my first of several letters on the subject of the proposed Belvedere Golf Club dodgy deal instigated by our corrupt

council leader, Parnaby, was headed "OH WHAT A TANGLED WEB WE WEAVE".

All subsequent information regarding this land and the ever changing story from the club and the council has only added to the mystery and fuelled the fire of suspicion. Is it the case that several years after Parnaby arranged to sell this land to his acquaintance at a knock down price even this reduced selling price has not yet been paid?

It is inconceivable that having spent years preparing plans and reports for the development of 22 x 4+ bedroom dwellings on this site, the developers Ashcourt not yet own the land.

It follows that Ashcourt and/or the Golf Club have been given assurances from ERYC that a deal is agreed.

Obviously my FOI request for details of disposal also applies to the proposed disposal and I therefore would ask that any documents, letters, emails, meeting and telephone call notes held by EYRC referring to the Belvedere Golf Club, or any developer or developer's agent, are made available."

5. On 12 December 2018, the Council wrote to the complainant and confirmed that it held information in relation to his request but refused to disclose that information in reliance on section 43 of the FOIA. The Council advised the complainant that the exemption applies because the property has not yet been sold and it is an ongoing matter. The Council also confirmed to the complainant that it had exchanged conditional contracts on 30 November 2018 with the Trustees of Bridlington Golf Club.
6. On 16 December 2019, the complainant wrote to the Council to ask it to review its decision to withhold the information he has asked for. The complainant said, "In order to follow the system I hereby object to the way my request has been handled and would ask for a fair and thorough review to be made especially in the decision taken as to where the public interest lies in respect to the exempt information, particularly as it is/was a publicly owned asset".
7. On 19 January 2019, the complainant wrote to the Commissioner to advise her that he had not received the Council's internal review response. This led to the Commissioner to write to the Council on 29 January.
8. The complainant wrote to the Commissioner on 28 February to advise her that the Council had still not responded to his request for internal

review. In view of this, the Commissioner decided to accept the complainant's complaint for investigation.

9. On 10 March 2019, the complainant contacted the police to make allegations of crime which concern matters relating to the information he seeks from the Council.
10. On 26 June 2019, the Commissioner wrote to the Council to make an initial enquiry about this complaint.
11. On 28 June 2019, the complainant wrote to the Commissioner to advise her that Bridlington Golf Club History website states that the East Riding of Yorkshire Council, the then owners of the land on which the course stands, offered to sell the freehold of the course back to the club in 2014 and this culminated in an agreement in 2017 where the freehold was transferred back to Bridlington Belvedere Golf Club. He also informed the Commissioner that on 22 March 2017, the Bridlington Free Press reported that the Golf Club was celebrating the 'green light' for its homes and hotel plan.
12. The complainant said, "This followed two years of preparing the application and tens of thousands of pounds expenditure". The complainant advised the Commissioner that the above information was at odds with the Council's reply of 20 November 2018, which advised him that "the current position is that the Council has not disposed of any part of this land".
13. On 25 July 2019, the Commissioner wrote to the Council to note that it had not responded her initial enquiry letter.
14. On 20 August 2019, The Commissioner wrote to the Council to acknowledge receipt of the information the Council is withholding from the complainant and also the submissions regarding the Council's application of Regulation 12(5)(b) - in respect of information contained in its "Legal File", and Regulation 12(5)(e) - in respect of information contained in the Council's Valuation and Estates file. The Commissioner agrees with the Council that the contents of both files fall to be considered under the EIR rather than under the FOIA.

Scope of the case

15. The complainant contacted the Commissioner on 16 December 2018 to complain about the way his request for information had been handled.
16. The Commissioner has investigated the Council's application of Regulation 12(5)(b) and Regulation 12(5)(e) of the Environmental

Information Regulations 2004. Additionally, because the complainant informed the Commissioner that he requires full disclosure of the names of persons involved in the land transfer, the Commissioner also investigated the Council's application of Regulation 13 of the EIR.

Reasons for decision

17. The Council has advised the Commissioner that the ownership of the land, which is the focus of the complainant's request, has now been transferred to Bridlington Golf Club.
18. This means that certain information, such as the price paid for the land will be in the public domain once the purchasers have registered the transaction with the land registry.
19. In noting the above, the Commissioner's decision is made in respect of the circumstances associated with the requested information at the time the complainant made his request, up to and including, the Council's final decision to withhold the information which the complainant has asked for.
20. The Council has explained why the withheld information is contained in two files: A Legal File and a Valuation & Estates File. To do this, the Council has provided the Commissioner with details of the complainant's request and amended request which it has responded to.
21. According to the Council, the terms of the complainant's original request concerning the Belvedere Gold Club, Bridlington was:

'I would request all information regarding the East Riding of Yorkshire Council's disposal of any part of this previously public owned asset.

The information should include each specific area disposed of, to whom, when sold and at what price.'

22. On the grounds that the Council had informed the complainant that it had not disposed of any part of the land, the complainant then amended his request to the following:

'Obviously my FOI request for details of disposal also applies to the proposed disposal and I therefore would ask that any documents, letters, emails, meeting and telephone call notes held by ERYC referring to the Belvedere Golf Club or any developer or developer's agent are made available'.

23. In the Council's opinion, the complainant's request was for:

'...all information regarding the East Riding of Yorkshire Council's proposed disposal of any part of this previously public owned asset. Including any documents, letters, emails, meeting and telephone call notes held by ERYC referring to the proposed disposal of Belvedere Golf Club or any developer.

The information should include each specific area disposed of, to whom, when sold and at what price'.

24. The Council's interpretation of the complainant's request is that he requires the records held by the Council which relate to the proposed transfer of Belvedere Golf Club to the Golf Club.
25. The requested information concerns a land transaction which required the Council's Valuation and Estates Department to instruct its Legal Department to draft the relevant documentation to effect the transfer. This resulted in the creation of two files of documents which are held by those departments.
26. The Council says that, "...records relating to the proposed transfer will be on the files of the Valuation and Estates and Legal Departments of the Council" and that, "the exchanges between the two departments will be held on one or other of the valuation and estates or the legal file.
27. The Council has advised the Commissioner that the purpose of creating its legal file was to carry out the conveyance of the land. That said, the Council has also made clear to the Commissioner that the legal file was set up only to carry out the land transfer transaction, as well as to provide legal advice to officers within the valuation and estates department as to the terms on which the transfer should take place and also whether the transfer should proceed at all if the terms that the golf club / developer were offering were not acceptable or presented a legal risk to the Council.
28. To illustrate its point, the Council has directed the Commissioner's attention to information such as that dated February 2018, which indicates the transaction may not have proceeded due to disagreements over matters such as overage provisions.
29. Turning its attention to its Valuation and Estates file, the Council has advised the Commissioner that this was created in order to carry out the proposed transaction on terms acceptable to the Council.

Regulation 12(5)(b) – the course of justice, etc
The Council's legal file

30. The Council asserts that the contents of its legal file engage the exception to disclosure provided by Regulation 12(5)(b) of the EIR on the grounds that disclosure of those contents would prejudice the course of justice and inquiries.
31. The Council's position rests on the Commissioner's own guidance on Regulation 12(5)(b)¹, which acknowledges that the course of justice exception includes material covered by legal professional privilege. The Council asserts that, "It is also very clear that legal advice on a conveyance is covered by legal professional privilege...", and "Advice is being provided on legal matters by a legal advisor to a client".
32. The Council's claim of legal professional privilege in respect of the contents of its legal file is why it is relying on Regulation 12(5)(b). Essentially, in the Council's opinion, disclosure of the legal file would prejudice its ability to negotiate land deals on an equitable basis. The Council argues that, should it be required to place the contents of the legal file into the public domain, the other party to the transaction would have sight of all legal advice on the matter from the public authority.
33. This would seriously hamper the Council's ability to negotiate a good deal because disclosure of its legal advice as to the strength of its position would potentially give the other side and the upper hand at all stages in the negotiation process. The Council argues that this would not be in the public interest.
34. In respect of the proposed transfer of the golf course, the Council says, "This is not simply a transaction in which the interests of all parties are identical and therefore does not involve the Council defending or asserting its legal interests in opposition to those on the other side of the transaction". In this case the Council is seeking to defend its legal position in transferring the property to the golf club on terms that are favourable to the Council. At the same time the golf club and developer are seeking to defend their legal position by seeking terms favourable to themselves.
35. The Council acknowledges that there will be areas on which the parties interests are identical. Nevertheless, it says "there will be areas on which they diverge and these areas will be the subject of dispute

¹ https://ico.org.uk/media/for-organisations/documents/1625/course_of_justice_and_inquiries_exception_eir_guidance.pdf

between the parties". Here, the Council seeks to protect its legal advice. It acknowledges that the transaction at the heart of this request does not involve the course of justice but does involve the Council seeking to assert its legal rights as against other parties.

36. To substantiate its point, the Council referred the Commissioner to her guidance which states –

"This guidance does not attempt to provide a definitive list, but public authorities may wish to consider applying this exception to requests for the following types of information –

- *material covered by legal professional privilege"*

37. The Council asserts that the contents of the legal file is covered by legal professional privilege. It cites the case of R v Inner London Crown Court Ex parte Baines & Baines (A Firm) and another (1988), which states –

'In many conveyancing transactions advice will be given by the solicitor to his client upon factors which serve to assist towards a successful completion, the wisdom or otherwise of proceeding with it, the arranging of a mortgage and so on. I doubt if it can possibly be denied that advice of that kind is a privileged communication'

38. In view of the judgment referred to above, and to the Commissioner's own guidance, the Council argues that the exception provided by Regulation 12(5)(b) is relevant to material covered by legal professional privilege, in this case, where the privileged information is part of a conveyancing transaction and is subject to legal advice privilege.

39. The Council has assured the Commissioner that the information contained in the legal file has been communicated under its legal advisor's professional capacity. It says, "The communications are clearly made by the legal officers acting in their capacity as such" and, "The communication has not been communicated to the public or a third party therefore the privilege attached to the information has not been lost".

40. Turning its attention to the adverse effect which the Council asserts would flow from disclosure, the Council again refers the Commissioner to her own guidance which states – *'...an adverse effect upon the course of justice can result from the undermining of the general principles of legal professional privilege and of the administration of justice'*.

41. *The Upper Tribunal also accepted that it was not a foregone conclusion that the disclosure of privileged information would adversely affect the*

course of justice; but suggested that there would need to be special or unusual factors in play for this not to be the case. '

42. To determine whether the disclosure of legal privileged information would adversely affect the course of justice, attention must be given to the particular circumstances of the case in question.
43. Here, the Council has identified how disclosure would adversely affect the course of justice by undermining the administration of justice, where each party to a transaction does not have an unfair advantage and no party is put to a disadvantage.
44. The Council argues that requiring the information to be disclosed would put the Council at a disadvantage in respect of the parties with whom it negotiates with, particularly in regard to future land transactions. It says, disclosure "...would reveal the legal advice that had been provided to the authority in relation to the transaction which would put the authority at a disadvantage", and where the Council is not in a position to see the legal advice provided to those on the other side of the transaction.
45. The Commissioner accepts the Council's claim that the contents of its legal file are covered by legal professional privilege. Having considered the Council's representations with regards to this, the Commissioner is satisfied that the adverse effect the Council has identified would result from disclosure due to it undermining of the general principles of legal professional privilege.
46. Whilst the identified adverse effect is not a foregone conclusion, there is nothing in the circumstances of this case which suggests this particular land transfer is special or unusual. It is clear to the Commissioner that disclosure would adversely impact the general principles of legal professional privilege and therefore the Commissioner has decided that the exception to disclosure provided by Regulation 12(5)(b) is engaged.
47. The Council's reliance on Regulation 12(5)(b) is subject to a consideration of the public interest test.
48. The Commissioner considers that weight must always be given to the general principle of achieving accountability and transparency through the disclosure of information held by public authorities.
49. Access to publicly held information assists the public in understanding the basis and how public authorities make their decisions. This in turn fosters trust in public authorities and may allow greater public participation in the decision making process.

50. In this case, disclosure of the requested information would help the public to understand some of the issues considered by the Council in respect of the proposed transfer of land to the Golf Club. In particular, disclosure of the withheld information would allow the public to consider the quality of the legal advice which was considered by the Council and the terms under which the sale of the golf course was agreed.
51. Weighed against the above is the long-established principle at the heart of legal professional privilege, that is, the safeguarding openness in all communications between a client and his lawyer to ensure access to full and frank legal advice.
52. The Commissioner fully accepts the Council's need to obtain legal advice in confidence. This is especially important in this case because the provisions of the EIR only relate the potential disclosure of the Council's recorded information and not to any legal advice which has been obtained by the Golf Club.
53. Clearly the Golf Club is not required to make a disclosure of its legal position under the provisions of the EIR. Requiring the Council to disclose its legal file and not requiring the same from the Golf Club, clearly creates an imbalance which would have put the Council at a significant disadvantage during the negotiations for the sale of the golf course.
54. The Commissioner considers that it is very important that public authorities are able to consult with their lawyers in confidence and be able to obtain confidential legal advice. Should such legal advice be subject to routine or even occasional public disclosure without compelling reasons, this could affect the free and frank nature of future legal exchanges and/or may deter the public authority from seeking legal advice in situations where it would be in the public interest for it to do so.
55. The Commissioner's published guidance on legal professional privilege states that "Legal professional privilege is intended to provide confidentiality between professional legal advisors and clients to ensure openness between them and safeguard access to fully informed, realistic and frank legal argument, including potential weaknesses and counter arguments. This in turn ensures the administration of justice".
56. The Commissioner considers that there will always be a strong argument in favour of maintaining legal professional privilege. It is a longstanding, well established and important common law principle. The Information Tribunal affirmed this in the case of *Bellamy v Information Commissioner and Secretary of State for Trade and Industry* (EA/2005/0023) when it stated: "...there is a strong element of public

interest inbuilt into privilege itself. At least equally strong countervailing considerations would need to be adduced to override that inbuilt interest...It is important that public authorities be allowed to conduct a free exchange of views as to their legal rights and obligations with those advising them without fear of intrusion, save in the most clear case..."

57. This does not mean that the counter arguments favour public disclosure need to be exceptional, but they must be at least as strong as the interest that privilege is designed to protect.
58. The Commissioner considers that the Council should be able to negotiate a transfer of land without having to reveal its position in advance to the other party or parties, particularly where they themselves are not required to disclose their positions.
59. The weight given to the public interest favouring the disclosure of the Council's legal file is not as strong as the arguments in favour of withholding the information. Understanding the terms under which the golf course was disposed of does not require an understanding of the legal advice that led to that decision or the decisions within the negotiations.
60. The public interest in maintaining the exemption is clearly stronger as there is an overriding public interest in favour of maintaining the principle of legal professional privilege. It is not in the public interest for the Council to be hampered in its ability to reach a good deal.
61. The Commissioner is satisfied that the public interest is best served by maintaining the Council's right to obtain legal advice and for its lawyer to provide that advice in confidence. She takes this position on the grounds that the public interest in maintaining legal professional privilege is a particularly strong one.
62. To outweigh the inherent strength of legal professional privilege would normally require circumstances where there are substantial amounts of public money are at stake, where the decision would significantly affect large numbers of people, or where there is evidence of misrepresentation, unlawful activity or a significant lack of appropriate authority.
63. The Commissioner has decided that the Council has properly applied Regulation 12(5)(b) to the contents of its legal file in its entirety.

Regulation 12(5)(e) Commercial confidentiality

The Council's Valuation and Estates file

64. Regulation 12(5)(e) of the EIR allows a public authority to refuse to disclose recorded information where the disclosure would adversely affect "the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest".
65. For the 12(5)(e) exception to be appropriately applied, the Commissioner considers that the following conditions need to be met:
 - The information must be commercial or industrial in nature
 - The information must be subject to confidentiality provided by law
 - The confidentiality provided by law must protect a legitimate economic interest
 - The confidentiality of the information would be adversely affected by its disclosure
66. The Commissioner considers that the essence of commerce is trade. A commercial activity will generally involve the sale or purchase of goods or services for profit.
67. In this case, the Council argues that the file contains commercially confidential information relating to the Council and to the Golf Club.
68. In respect of the Golf Club's commercially confidential information, the Council says, "The Club operates in a commercially competitive environment. There are other golf clubs in the area and the club is in competition with these clubs for income from members and members of the public". Operating in a commercial environment, any information relating to the profit and loss of the club and the terms on which the club wished to purchase the freehold reversion of the site, in the Council's opinion "clearly information that is commercial or industrial in nature".
69. Likewise, information relating to the costs that would be incurred by the golf club in carrying out alterations to the golf course is also clearly commercial in nature.
70. The Council's own commercial interests are identified as those which relate to the negotiations for the sale of golf course and to its duty to achieve the best value for the land that it sells.
71. In selling land the Council operates in an open market and the information contained in the letters and valuation reports and the details of the terms on which the council was prepared to sell the land is of a commercial nature.

72. The Commissioner has no difficulty in finding that the withheld information is commercial in nature and that the first element of the exception is satisfied.
73. For the second element to be met the information must be subject to confidentiality which is provided by law. This may include confidentiality imposed under a common law duty of confidence, a contractual obligation or be provided by statute.
74. Although there is no absolute test of what constitutes a circumstance giving rise to an obligation of confidence, the judge in *Coco v Clark*², Megarry J, suggested that the 'reasonable person' test may be a useful one. He explained:

"If the circumstances are such that any reasonable man standing in the shoes of the recipient of the information would have realised that upon reasonable grounds the information was being provided to him in confidence, then this should suffice to impose upon him an equitable obligation of confidence."
75. The Council argues that the contents of this file are subject to a duty of confidence which is provided by law, being derived from the common law.
76. The Council argues that the information provided by the golf club - the information within the business plan and the information relating to the alterations to the golf course, would clearly provide a competitive advantage to any other golf club with which it competes for income.
77. It says, the Golf Club's information "would only have been provided to the Council on the understanding that it was not made public", and the preamble to the Club's business plan "makes it clear that no part of the plan may be included in any published document".
78. Figures contained in the file, in relation to the alterations to the golf course, have only been provided to the Council on the grounds that they needed to be considered as part of the overall land deal. The Council says there would have been no understanding on the part of the club that they would be made public.
79. In terms of the duty of confidence as it relates to the Council's information, the Council also refers to the common law. It says, "The

² *Coco v A N Clark (Engineers) Ltd* [1969] RPC 41.

information within the letters and valuation reports would provide a competitive advantage to any company that wished to enter into negotiations to purchase land from the Council. The information in the correspondence with the club would only have been provided on the basis that it would not be made public.

80. Accepting the 'reasonable person' test, together with the non-trivial nature of the withheld information and the very limited distribution of the withheld information, the Commissioner has concluded that the contents of the Valuations and Estates file have the necessary quality of confidence.
81. For the withheld information to engage this exception, the confidentiality associated with that information has to protect an economic interest. In this respect the Council has identified the Golf Club's economic interests as well as its own.
82. In terms of the Golf Club's economic interests, the Council says, "...the information within the business plan and letter of 6th January 2014 and the information relating to the costs of the alteration of the golf course would clearly provide a competitive advantage to any other Club competing with the Club for income". That information, "...sets out the Club's plans for the future which clearly set out the ways in which the club hope to market themselves in the future and the facilities they will offer to visitors".
83. The withheld information contains balance sheets and projected income which set out actual and projected income and expenditure. The Council asserts that this information would be an advantage to any competitor. Likewise, the costs of the alteration of the golf course which the Club will have to incur is also set out the expenditure.
84. In terms of its own economic interests, the Council says it "...has a responsibility to obtain the best value for the land that it sells", and "There is therefore an economic interest on behalf of the Council to achieve the best value return for the land". In order to achieve this goal, the Council argues it is necessary for the confidentiality to be maintained to protect the economic interests of the public.
85. That economic interest, and its confidentiality, has to be adversely affected by the disclosure of the requested information. In this case, the Council makes clear that the Golf Club operates in a commercially competitive environment and it is necessary for the confidentiality of the information to be maintained in order to protect the economic interests of the club.

86. Likewise, the Council points out that the information contained within the letters and valuation reports would clearly provide a competitive advantage to any other bidder seeking to purchase land from the Council. Disclosure of this information would make public the Council's negotiating position and the valuation of the land, which would be an advantageous to any future prospective purchaser of land from the Council.
87. In the Commissioner's view, on the balance of probabilities, the Council's and the Golf Club's economic interests 'would' be harmed by disclosure of the file. In making this determination, the Commissioner is assisted by the Tribunal in determining how "would" needs to be interpreted. She accepts that 'would' means 'more probably than not' and she notes the interpretation guide for the Aarhus Convention which gives the following guidance on legitimate economic interests:

"Legitimate economic interest also implies that the exception may be invoked only if disclosure would significantly damage the interest in question and assist its competitors".
88. The confidential nature of the withheld file leads the Commissioner to conclude that its disclosure would adversely affect legitimate economic interests of both the Council and the Golf Club. She therefore finds that the exception provided by regulation 12(5)(e) is engaged. The Council's reliance on Regulation 12(5)(e) is subject to a consideration of the public interest test.
89. As stated above, the Commissioner acknowledges the weight of public interest associated with the general principle of achieving accountability and transparency through the disclosure of information held by public authorities. In the Commissioner's opinion the public interest arguments which favour the disclosure of the Valuations and Estates file are the same as outlined above in respect of Regulation 12(5)(b).
90. Weighed against public interest factors which favour disclosure are those factors which the Council has identified which favour the withholding of the file. The Council has identified factors from the point of view of the Golf Club as well as its own point of view.
91. In respect of the Golf Club, the Council argues that there is very little public interest in the disclosure of the information. It says, "The Club is a private business. Its expenditure does not involve the expenditure of public funds. It is also a small concern. It operates in one town there is therefore no public interest in disclosing details of its commercial dealings on the basis either that it spends public funds or that it has significant financial or other influence".

92. In addition to the above, the Council asserts that "there are strong public interest arguments in favour of maintaining the exemption. The Club operates in an open market and there is a strong public interest in firms operating in such a market being able to do so without being put at a competitive disadvantage *vis-à-vis* their competitors, simply because they are engaged in negotiations with a body which is subject to the Environmental Information Regulations regime".
93. From the Council's point of view, it accepts the public interest associated in knowing how much it has received from the sale of a public asset. That said, the Council asserts that, "The public interest in maintaining the exemption is that the disclosure would provide a competitive advantage to organisations who would want to negotiate with the Council in relation to the purchase of land from the Council in the future".
94. The Commissioner has considered the Council's representations made in support of its application of Regulation 12(5)(e). She considers that, where the contents of the file relate to the Golf Club, the need to protect its commercial confidentiality is particularly significant. This is because the information relates to a private enterprise and is not information that would usually be subject to the provisions of the EIR.
95. The sole reason that the Golf Club's information has come to fall within the ambit of the EIR is that the Club was involved in a negotiation to purchase land from a public body.
96. This transaction does not involve the expenditure of public funds where funds are transferred to a private enterprise. The Commissioner agrees with the Council that there is no question of there being a public interest in the spending of public funds in respect of the commercially sensitive information relating to the Golf Club.
97. The information relating to the value of the transfer will be available on the land registry once the transaction has been registered. This goes some way in meeting a necessary public interest.
98. In the Commissioner's opinion, the information contained in the Valuations and Estates file, which relates to the way in which the purchase price was reached, is such that its disclosure would provide a competitive advantage to individuals or organisations seeking to purchase land from the Council in the future. The Commissioner has therefore decided that weight of the public interest favours maintaining the application of Regulation 12(5)(e) and accordingly the Council is entitled to withhold the contents of that file in its entirety.

99. During her investigation, the complainant made clear that he seeks the information contained in the two files and to have those contents unredacted of the names of the individuals who contributed to them.
100. The decision already made by the Commissioner does not require her to decide whether the Council would be entitled to rely on Regulation 13 of the EIR to withhold the names of individuals.

Right of appeal

101. 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@justice.gov.uk

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

102. 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.

103. 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

Andrew White
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