

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 9 March 2022

Public Authority: Oxfordshire County Council
Address: County Hall
New Road
Oxford
OX1 1ND

Decision (including any steps ordered)

1. The complainant requested copies of three documents which the owner of a local mineral development site had provided to Oxfordshire County Council (the council).
2. Whilst the council provided copies of two of the documents requested, it stated that it was to withhold the third, which contained counsel opinion (Counsel Opinion document), under regulation 12(5)(f) of the EIR – interests of the person who provided the information.
3. The Commissioner's decision is that the council has failed to demonstrate why regulation 12(5)(f) is engaged, and therefore, it is not entitled to rely on that exception.
4. The Commissioner requires the council to take the following steps to ensure compliance with the legislation:
 - disclose the Counsel Opinion document, with the exception of the personal data described within paragraph 89 of this decision notice, which should be redacted.
5. The council must take these steps 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 FOIA and may be dealt with as a contempt of court.

Background

6. The council, as a designated Mineral Planning Authority (MPA), is responsible for mineral planning issues within its area. Part of its statutory duty is to review old mineral permissions (ROMPs) in order to ensure that modern operating, restoration and aftercare conditions are imposed on the sites where there is mineral extraction or the deposition of mineral waste.
7. The council's Planning and Regulation Committee (PRC) has a number of functions; this includes consideration of those matters that relate to the mineral working permissions on local sites.
8. There is statute which provides for a Prohibition Order (PO) to be issued in cases where a MPA is satisfied that minerals development on a site has permanently ceased; the existence of a PO ensures that such development cannot resume without a fresh grant of planning permission, and it secures the restoration of land. The PRC decides when it may be appropriate to issue a PO in relation to any one site.
9. In 2012, a PO was served by the council in respect of an area of land at Thrupp Farm, Oxfordshire. This PO then became the subject of an appeal.
10. Whilst the council changed its position before the appeal was decided, and was no longer seeking confirmation of the PO, the Planning Inspector still considered the matter. The Inspector recommended in their 'Prohibition Order Report to the Secretary of State for Communities and Local Government'¹ dated 7 July 2014, that the PO for Thrupp Farm 'is not confirmed'.
11. At the PRC meeting held on 9 September 2019², members gave consideration to a Planning Report³ dated August 2019; this confirmed that in October 2015, formal notice was given that the mineral permissions relating to land at Thrupp Farm was now subject to review, and that the owner and/or operator (to be referred to jointly as the

¹ [Heading 9 \(kingschambers.com\)](https://www.kingschambers.com)

² [Agenda item - Serving of the Prohibition Order for the Review of the Mineral Planning Permission \(ROMP\) at Thrupp Farm and Thrupp Farm, Radley \(oxfordshire.gov.uk\)](#)

³ [PN_SEP0919R02 - Radley Romp.pdf \(oxfordshire.gov.uk\)](#)

owner within this decision notice) of the land had been asked to submit a ROMP application 'for the determination of new planning conditions'.

12. As a ROMP application was not received by the council, on 1 November 2016, the Thrupp Farm development site was subject to an automatic suspension. The members of the PRC meeting of 9 September 2019, decided that work on the mineral site had ceased, and that a PO should therefore be issued.
13. The minutes of the PRC meeting dated 27 January 2020⁴, confirm that whilst the owner of the site at Thrupp Farm then submitted information to the council, including confirmation that a planning application was to be 'resubmitted', the PRC decided that steps to serve the PO should proceed.
14. On 27 April 2020, a planning application was submitted by the owners of the site, asking for permission for a processing plant, conveyor and a bridge that involved the Thrupp Farm site. This planning application appears to be similar to one previously submitted on 9 July 2012 (where the time period in which to carry out the permissions granted had expired).
15. Details of the relevant planning application were considered by the PRC, in order to determine whether this would affect its decision to serve a PO.
16. The council then received two further documents from the agent acting on behalf of the owners of the Thrupp Farm site. The first contained counsel opinion (the Counsel Opinion document) on matters relating to the proposal to issue a PO. The other document was a two page summary of the counsel's opinion.
17. The matter continued to be debated at subsequent meetings of the PRC, and it was finally decided that the PO should be held in abeyance until July 2022, by which time it was anticipated that the owner would have submitted both a ROMP application, and an Environmental Statement.

⁴ [Agenda for Planning & Regulation Committee on Monday, 27 January 2020, 2.00 pm \(oxfordshire.gov.uk\)](https://www.oxfordshire.gov.uk/agenda-for-planning-and-regulation-committee-on-monday-27-january-2020-2-00-pm)

Request and response

18. On 25 June 2020, the complainant wrote to the council and requested information in the following terms:

'The resolution from the 1 June meeting of PRC refers to three documents which were considered by the committee:

- new planning application for a processing plant
- written Statement
- Counsel's opinion

I'm slightly surprised that OCC [the council] felt it necessary to ask the applicants' representatives if they were happy for these 2 documents to be made available to members of the public (a request which their client has apparently refused).

I'd have thought that, as these documents were material to a PRC decision, they should be in the public domain already, and susceptible to release under FOI/EIR (unless one of the exemptions applied, in which case this would need to be specified).

If, on reflection (or advice) you conclude that these documents are in the public domain already, and susceptible to release under FOI/EIR, would it be possible to receive copies of them now (i.e. ahead of their publication on 10 July)?

If there are some special circumstances or reason which mean that the applicants' consent to their release is required, it would be of interest to know what these are.'

19. The council did not publish the documents on 10 July 2020, as had been anticipated by the complainant; he therefore sent a further email to the council reiterating what information he required.
20. On 24 July 2020, the council provided the complainant with a copy of the new planning application, and the written statement, as requested. It went on to advise that the Counsel Opinion document had been withheld under regulation 12(5)(f) of the EIR, and it explained its reasons for this.
21. On 30 September 2020, the complainant was advised by the council that it had considered correspondence which he had sent on 2 September 2020, to be a request for an internal review, and it went on to uphold its original decision that the Counsel Opinion document should be withheld.

22. Further correspondence was then exchanged between the two parties about the request, and related matters.
23. On 20 October 2020, the council's Monitoring Officer sent a letter to the complainant, advising that those matters relating directly to his information request had already been dealt with in its internal review response, and it went on to reconfirm some of those points.

Scope of the case

24. The complainant contacted the Commissioner on 12 February 2021, to complain about the way his request for information had been handled.
25. The complainant's primary concern is that the council withheld the Counsel Opinion document in response to his request.
26. The Commissioner will therefore examine whether the council is entitled to rely on regulation 12(5)(f) of the EIR, in respect of the withheld information.
27. The Commissioner will also consider certain procedural matters, as requested by the complainant.

Reasons for decision

Regulation 12(5)(f) – interests of the person who provided the information

28. The Commissioner's published guidance on the exception at regulation 12(5)(f) explains that its purpose is to protect the voluntary supply of information to public authorities that might not otherwise be made available to them.
29. In such circumstances, a public authority may refuse disclosure when it would adversely affect the interests of the information provider. The wording of the exception makes it clear that the adverse effect has to be to the person or organisation providing the information, rather than to the public authority that holds it.
30. With regard to engaging the exception, and as recognised by the Information Tribunal, a four stage test has to be considered, as stated below:
 - Was the person under, or could they have been put under, any legal obligation to supply the information to the public authority?

- Did the person supply the information in circumstances where the recipient public authority, or any other public authority, was entitled to disclose it other than under EIR?
 - Has the person supplying the information consented to its disclosure?
 - Would disclosure adversely affect the interests of the person who provided the information to the public authority?
31. Where the four stages of the test are satisfied, the exception will be engaged. The public interest test will then determine whether or not the information should be disclosed.
 32. The council states that the withheld information contains full and frank advice given to the owners of the Thrupp Farm site, and was provided to its officers on a voluntary basis in order to explain the 'train of thought' on matters relating to the proposal to issue a PO.
 33. The council goes on to say that the agent's email sent with the Counsel Opinion document was addressed to the Development Management Team Leader at the council, and it had stated that the legal opinion was 'for your consideration'. The council also states that the agent subsequently confirmed that 'the Legal Opinion which has been provided to OCC [the council] is for the internal consideration of the planning and legal departments only.'
 34. The council has said that it does not have any basis for disclosing the information as it was provided on a voluntary basis, in a context of confidence, for the purpose of consideration by the council, who would ultimately need to advise members of the PRC.
 35. The council has also argued that the content of the relevant document has not been disclosed to the PRC for consideration, and it has therefore not influenced the decision as to whether a PO should be issued. In addition, the council states that the person who supplied the information was consulted and they had confirmed to officers that they did not consent to the disclosure of the information.
 36. The Commissioner accepts that the owner was not under any specific legal obligation to provide the withheld information to the council, and that it was therefore a voluntary submission of information.
 37. Furthermore, whilst planning statute provides for some information to be made publicly available, the Commissioner is not aware of any circumstances where the council would be obliged to release this particular information (other than potentially under EIR).

38. The Commissioner also accepts that the council does not have consent from the agent, or owner, to release the Counsel Opinion document into the public domain.
39. Given the above, the Commissioner is satisfied that the first three stages of the test to determine whether the exception is engaged are met; he has therefore gone on to consider whether disclosure would adversely affect the interests of the owner of the site.

Adverse effect

40. When considering whether there would be an adverse effect to the interests of the person who voluntarily provided the information, the public authority needs to identify harm to the person's interests which is real, actual and of substance and to explain why disclosure would, on the balance of probabilities, directly cause harm.
41. There is no requirement for the adverse effect to be significant – the extent of the adverse effect would be reflected in the strength of arguments when considering the public interest test (i.e., once the application of the exception has been established).
42. However, the public authority must be able to explain the causal link between disclosure and the adverse effect, as well as why it would occur. The need to point to the specific harm and to explain why it is more probable than not that it would occur reflects the fact that this is a higher test than 'might adversely affect', which is why it requires a greater degree of certainty; it also means that it is not sufficient for a public authority to speculate on possible harm to a third party's interest.
43. The council states that it is of the view that disclosure to the public would adversely affect the position of the owner in that it would reveal the private advice they have received, and their tactical position, on a matter of local importance, which was, and still is, live.
44. The council goes on to say that it should be noted that consideration of the issuing of a PO has been deferred until July 2022; it states that, in its view, the information remains private to the agent and client until they choose to disclose it fully as a formal submission to the PRC, or otherwise.
45. The council also states that whilst the owner/agent may have chosen to mention points from their own counsel opinion in a PRC meeting (as claimed by the complainant), this does not negate the prejudice, as they could have equally made the same points without referring to the source of their comments. The council states that it was the points made that were at issue at the PRC meeting, not the private advice that the owner had received, which underpinned them.

46. The council has confirmed that it had sought further details from the owner as a result of the Commissioner's investigation, but that this had not been forthcoming.
47. The council states that whilst the owner and their agent have not provided information which explains the harm that would be caused as a result of disclosure of the withheld information, it is satisfied that they have been sufficiently clear in expressing their intention that the document was being supplied to officers for their consideration only.
48. The council argues that the owner had provided the council with their own legal advice, which would have been privileged information between themselves and their legal adviser; there was no obligation for this information to be supplied but was done so in an effort to ensure that matters were correctly dealt with, primarily in relation to the PO issue.
49. The council has said that there is an inherent public interest in maintaining the principle of legal professional privilege (LPP), and whilst the withheld information is not the council's own legal advice, it considers that it was supplied in confidence, and therefore it has a duty to maintain the confidentiality of this legal advice. The council argues that whilst the information was shared, confidentially, with certain officers, this should not mean that this principle is undermined.
50. LPP protects confidential communications between lawyers and clients. In this case, the withheld information clearly consists of legal advice provided by a legal adviser to their client (the owner of the land).
51. It is the Commissioner's opinion that as this information was provided by the client (the owner of the land) to a third party (the council), as part of their representations in response to the proposed issuing of a PO, it does not meet the necessary criteria for it to be subject to LPP; he therefore agrees with the council that the information could not be subject to the exception at regulation 12(5)(b) on the basis that it is covered by LPP.
52. However, the Commissioner does accept that disclosure of the withheld information would be likely to reveal some details about the owner's position regarding the matter of the proposed PO, which is not already publicly available, at a time when the issue was (and still is) live, and prior to a decision being made. This would, at the very least, provide all third parties with a full insight into the owner's thought processes, arguments, strategy and position at a time when consideration of whether the PO should be issued was still ongoing. It would also have an affect on the owner's ability to have frank and free discussion with the council privately about their legal position without any outside interference.

53. Given the above, in this particular case, the Commissioner is prepared to accept the council's reasoning that the disclosure of the information would have an adverse effect on the owner's interests, as claimed.
54. As a result, the Commissioner is satisfied that the tests outlined in paragraph 30 of this decision notice are met and that, consequently, regulation 12(5)(f) is engaged.
55. The Commissioner will now go on to consider the public interest test.

Public interest arguments against disclosure

The council's position

56. The council has argued that it is in the public interest that individuals and their agents are able to freely supply information privately on a voluntary basis as this can enhance the quality of advice provided by officers in support of local decision making.
57. The council has also advised that it believes that the public interest, and transparency, will be served through the subsequent advice that officers give, in public, to the members of the PRC; it states that the information provided at previous PRC meetings has already clearly expressed that intention.
58. The council goes on to say that the disclosure of the Counsel Opinion document would not assist in identifying the approach which was being taken as it is the council officers, and their report to the PRC members, that will provide clarity, and subsequent transparency.
59. The council has also stated that, consistent with the law of local government proceedings, an agenda contains the information which council officers, in their professional opinion, believe members need in order to reach a decision on matters which they are to consider, and also for the public to understand the context of the decision and the reasons for it. The council has said that the Counsel Opinion document was not a supporting document for any such decision; it was received solely to inform council officers' own advice to the PRC members at the relevant time, and it is the responsibility of the council to provide the PRC members with the information needed to inform any decision.
60. The council has also stated that the Counsel Opinion document was only mentioned by council officers within a PRC meeting to illustrate its size (in order to explain why additional time was required by council officers to consider its content following its receipt). It states that all the papers that were considered by the PRC, and were germane to its decision making, have been made available to the public.

61. The council also points out that an edited version of the withheld information was prepared by the owner/agent for public disclosure, and therefore, the thrust of the points contained therein are already available to the public to meet transparency and aid public debate, without the need to disclose the owner's full position.
62. The council has also argued that there is a public interest in maintaining the voluntary flow of environmental information from private persons to public authorities, and also the prevention of adverse effects to the interests of the owner, and the principle of confidentiality.
63. The council has said that whilst it is not suggesting that the withheld information is subject to LPP (as it is not its own advice), it was supplied in confidence from the owner who did seek such advice. To then release this information without the consent of the owner, or their agent, would, in the council's view, undermine something which is fundamental to the administration of justice.

Public interest arguments in favour of disclosure

The council's position

64. The council stated that it had considered the following public interest factors to be in favour of disclosure of the withheld information:
 - That there is a presumption in favour of disclosure under the EIR.
 - That disclosure would increase understanding of the various points of view on an environmental matter of local interest, and would facilitate further local discussion on the matter.
 - As members of the public are aware of the existence of the document, disclosure would provide further transparency as to why the council had received this, and also the matters that it raises.

The complainant's position

65. The complainant has argued that if, as suggested by the council, the withheld information contains 'full and frank advice' and was sent to the council to explain a 'train of thought', then the owner's intention must have been to have an effect on the council's decision making process. He believes that the council's decision to suspend further action in relation to the PO indicates that the document has had some effect on the actions of the council.

66. The complainant has also questioned whether the information, which related to matters that would be the subject of public debate and scrutiny as part of the process, was provided by the owner with the intention, and firm belief, that it would be treated in confidence by the council.
67. The complainant has also voiced his concerns that the owner's agent made repeated references to the withheld Counsel Opinion, and why it supported the owner's case, at a PRC meeting. However, as the document has not been shared with the PRC, or the public, for their consideration, the complainant argues that the agent's comments cannot be properly challenged, and that this is unfair.
68. The complainant also contends that it is a well established principle that planning decisions are made on the basis of information which is made available to all parties, but that this has not happened in this case.

The Commissioner's view

69. The Commissioner accepts the council's assertion that council officers did not directly share the withheld information with members of the PRC. However, whilst it may have been the case that, at the time of the document's receipt, it was not considered necessary for the PRC to have access to this information, it is the Commissioner's view that it does not necessarily follow that it did not form part of, or affect, the council's decision making process with regard to the proposed PO.
70. The council has confirmed that, upon receipt of the withheld information, council officers took further advice about its content. They then decided what, if any, information contained therein should be provided to the PRC.
71. Whilst the Commissioner acknowledges that it may be the case that there are a number of factors which led to the decision to delay further consideration of the PO until the PRC meeting set for July 2022, he is satisfied that the withheld information has had some impact on the process, and that decision.
72. The Commissioner considers that some weight must always be given to the general principle of achieving accountability and transparency through the disclosure of information held by public authorities. This assists the public in their understanding of how public authorities make their decisions and, in turn, fosters trust in public authorities. In many circumstances the disclosure of recorded information may allow greater public participation in the decision making process.
73. There is statute which sets out details of the information which a planning authority (in this case the council) must make available as part

of the planning process. Given the strong public interest on planning matters, where possible, a planning authority will make additional information available in order to promote transparency and accountability in relation to the decisions which are made.

74. The Commissioner has considered the fact that the agent provided a summary of some of the points contained within the withheld information, and that this document is in the public domain. However, when submitting information to the planning authority, it is not for the applicant, or interested third party, to decide what should, or should not, be made available to the public as part of the process; this would seriously undermine the principles of transparency and accountability, and therefore the integrity of the process.
75. The Commissioner's guidance⁵ on the exception at regulation 12(5)(f) states that, in considering the public interest in maintaining the exception, regard should be given to the extent of the harm to the interests of the person who provided the information, should it be disclosed. It goes on to say that whilst there will always be some public interest in preserving trust in a public authority's ability to keep third party information 'confidential', it is the extent and nature of the harm to the individual that will influence the degree to which the principle of confidentiality is damaged, and therefore the amount of weight attributed to this public interest argument.
76. The council has not provided any arguments that it has received directly from the owners about the extent of any envisaged harm that would be caused to them, should the information be disclosed. It is not for the Commissioner to speculate on the extent of the harm which may relate to the owners interests in the absence of their own arguments.
77. However, in saying the above, it is the Commissioner's view that when considering the public interest, it is legitimate to take into account any harmful effect on a public authority's functions, where it results from a reduction in the voluntarily supplied information. This is because, in most cases, there is likely to be a direct link with the harm caused to the interests of the third party.
78. A reluctance by third parties to voluntarily supply information to a public authority in circumstances where it would be crucial to the effective running of a particular process would not be in the public interest. However, in this particular case, the Commissioner has not been

⁵ [eir voluntary supply of information regulation.pdf \(ico.org.uk\)](http://ico.org.uk/eir_voluntary_supply_of_information_regulation.pdf)

persuaded that disclosure of the information in question would cause such an effect.

79. It is the Commissioner's view that where matters will have a significant impact on the environment and the local area, community involvement should be encouraged where it will add value to the process and the outcome. Giving the public access to environmental information will encourage greater awareness of the issues that affect the environment. It is generally recognised that a lack of transparency is likely to promote mistrust in the process.
80. The Commissioner considers that, from an environmental perspective, mineral development on an area of land is an extremely important issue, both at a local, and national, level. This is supported by the fact that such works require various approvals, and are subject to planning permissions.
81. In addition, the Commissioner is mindful of the fact that, in this case, the relevant site has been the subject of previous planning applications, a PO, and a Planning Inspectorate appeal, and that such events are likely to have heightened public interest in the current situation.
82. The council has advised that, when weighing up whether the public interest was served in disclosing the information, it was considered that the right of a single member of the public to be advised of the content of the legal opinion was outweighed by the right to retain the confidentiality and legal professional privilege attached to the document.
83. The Commissioner does not agree with the council on this point; in his view the public interest in transparency and openness about the process to which the request relates carries significant weight in this case. It is important that the public are aware of the plans and intentions of the owners for the working of the site, and that they are given the opportunity to understand and debate this prior to a decision being made.
84. The Commissioner is also of the opinion that, given the environmental and local importance and impact of the issues at hand, the owner should have an expectation that representations that they choose to make to the council about the PO, and related matters, are likely to be shared with the public.
85. Regulation 12(2) of the EIR requires a public authority to apply a presumption in favour of disclosure when relying on any of the

regulation 12 exceptions. As stated in the Upper Tribunal decision *Vesco v Information Commissioner*⁶ (SGIA/44/2019), 'If application of the first two stages has not resulted in disclosure, a public authority should go on to consider the presumption in favour of disclosure....' and 'the presumption serves two purposes: (1) to provide the default position in the event that the interests are equally balanced and (2) to inform any decision that may be taken under the regulations' (paragraph 19).

86. Whilst the Commissioner has accepted that the exception at regulation 12(5)(f) is engaged, in his view the council has not showed that the adverse effect caused to the interests of the owners as a result of the disclosure of the withheld information would be significant. This has then had an impact on the strength of the arguments presented to support the public interest test in withholding the information.
87. The Commissioner has not been persuaded that the council's arguments in support of the exception carry sufficient weight to tip the balance of the public interest in favour of withholding the information in this particular case.
88. As a result, it is the Commissioner's decision that, on balance, the public interest favours the disclosure of the withheld information, and it should therefore be disclosed.
89. However, the Commissioner would add that he has identified information within the document that is personal data. Disclosure of such information to the world at large in response to an EIR request would, in his opinion, breach the data protection principles. The council should therefore take steps to redact the name of any person(s) recorded within the document before its disclosure to the 'world at large'.

Procedural matters

90. On 10 July 2020, the council published the agenda and bundle of documents for the PRC meeting set for 20 July 2020. As this did not include the Counsel Opinion document, the complainant contacted the council to advise that his correspondence of 25 June 2020, should be considered as an FOIA request.

⁶ [SGIA 44 2019ii.pdf \(publishing.service.gov.uk\)](#)

91. The council responded to the complainant's email of 10 July 2020, on the same date. It confirmed that it did not have the consent of the 'party' to disclose the Counsel Opinion document, and it believed that its release would have an adverse effect on the interests of that 'party'. The council went on to provide some further details about the parish council and the planning application relating to the Thrupp Farm site. It also confirmed that this email response had been copied to its FOIA team.
92. The complainant states that he then contacted the council again on 12 July 2020, to advise that, in light of the response he had received on 10 July 2020, he intended to request an internal review of the decision.
93. The complainant has said that he is unhappy that the council then advised him on 17 July 2020, that its response of 10 July 2020, had not been a formal response to the request, but rather was intended to be 'business correspondence'. It then went on to provide its formal response to his request on 24 July 2020. The complainant believes that the council has had two opportunities to respond to his request as a result, and that this was wrong.
94. The complainant has also said that he is concerned that the council dealt with his correspondence of 2 September 2020, as an internal review request, when he had not requested that it do so.
95. The Commissioner has not had sight of the correspondence dated 12 July 2020, 17 July 2020, and 2 September 2020, as referred to by the complainant; however, he is satisfied that he has sufficient information to form a view on the procedural matters of concern raised by the complainant.
96. It is the Commissioner's view that the officer's response of 10 July 2020, was a reply to the complainant's query of the same date about why the Counsel Opinion document had not been included within the published agenda for the PRC meeting. Whilst perhaps the council could have been more explicit that it was not intended to be a formal response to the complainant's information request, it did then clarify this in its response of 17 July 2020. As a result, the Commissioner does not regard the council's actions to have breached the EIR.
97. Furthermore, with regards to the council's decision to conduct an internal review, part XII of the EIR code of practice⁷ makes it clear that a requester does not have to specifically request an internal review

⁷ [DRAFT \(ico.org.uk\)](https://ico.org.uk)

when complaining about the handling of their request. It goes on to say that any correspondence received from the complainant which indicates dissatisfaction with the decision should be treated as a request for internal review.

98. Given the above, the Commissioner is satisfied that the council was correct to have carried out an internal review upon receipt of the complainant's correspondence of 2 September 2020. Indeed, he may have found a breach of the EIR had it not done so.

Right of appeal

99. 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

100. 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.

101. 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

Ben Tomes
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