

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 24 September 2013

**Public Authority:** Ofqual  
**Address:** Spring Place  
Coventry Business Park  
Herald Avenue  
Coventry CV5 6UB

#### **Decision (including any steps ordered)**

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1. The complainant has requested a copy of documents and other information relating to an investigation by the Office of Qualifications and Examinations Regulation ("Ofqual") concerning a complaint she had made. Ofqual provided some of the information requested. However it applied section 42 of the FOIA to correspondence regarding legal advice and it applied section 31(1)(g) by virtue of 31(2)(c) to two withheld letters which were submitted during the course of the investigation.
2. The Commissioner's decision is that Ofqual has correctly applied section 42 to the withheld legal advice and it has correctly applied section 31(1)(g) and 31(2)(c) to the two withheld letters. He does not require any further steps to be taken.

#### **Background**

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3. In 2011, following the publication of 'A' level examination results, the complainant wished to submit an appeal against the grades she was awarded.
4. This appeal was not supported by the centre (the complainant's school) and so she appealed directly to the Oxford Cambridge and RSA Examinations Board ("OCR") and to the Cambridge International Examinations Board ("CIE"), the two examinations boards as the awarding organisations.
5. OCR and CIE refused to consider the appeal as an application required centre approval.

6. The complainant issued proceedings against OCR and CIE seeking permission to seek Judicial Review of their refusal to consider the direct appeal. All parties appointed solicitors to deal with the litigation.
7. The application for permission to bring Judicial Review proceedings was initially refused and the complainant sought an oral hearing. That hearing was adjourned to allow the complainant to make a complaint to Ofqual.
8. Ofqual appointed its own solicitors. It investigated the complaint and identified possible breaches of its General Conditions of Recognition ("Conditions") by the awarding organisations. These are the conditions set for its recognised awarding organisations under the provisions of the Apprenticeships, Skills, Children and Learning Act 2009 ("ASCLA").
9. It therefore considered whether a breach had occurred and if so whether it was necessary to take regulatory action. It produced a draft report and sent a copy to OCR and CIE.
10. Ofqual's draft report suggested that OCR and CIE were in breach of Ofqual's Code of Practice and its Conditions. Ofqual invited OCR and CIE to comment on the findings of breaches. Both awarding organisations submitted their comments in letters to Ofqual.
11. Ofqual then reviewed the case and reinvestigated the complaint. The final complaint investigation concluded OCR and CIE were not in breach of the Code of Practice or the Conditions.
12. This complaint investigation and review is now completed, although there are further associated complaints.

## **Request and response**

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13. On 18 June 2012, the complainant wrote to Ofqual and requested information in the following terms:
  1. *"Copies of all email, letter or other communications between Ofqual and any third party in connection with the Investigation, including communications between Ofqual and each of OCR, CIE, other awarding bodies, Westminster School or their respective employees, legal counsel or other representatives;*
  2. *Copies of all submissions, evidence, documents or other information provided by any third party (other than me) in connection with the Investigation, including information provided*

*by OCR, CIE, other awarding bodies, Westminster School or their respective employees, legal counsel or other representatives;*

3. *Copies of all email, memoranda, or other communications between employees of Ofqual in connection with the Investigation;*
  4. *Copies of all draft and internal versions of the Report or any other internal Ofqual document reporting on, making recommendations in connection with, analysing evidence provided or collected or submissions relating to the Investigation prepared by employees of Ofqual, Ofqual's legal counsel or any other representative of Ofqual, including the final version of each, together with copies of all comments, suggestions or amendments made or proposed to be made to the document by such employees, legal counsel, other representatives or any third party (including OCR, CIE or any other awarding organisation);*
  5. *Copies of all email, letter or other communications and/or documents prepared by or on behalf of Ofqual in connection with the issues raised by the complaint that is the subject of the Investigation, including the interpretation of the relevant provisions of the "Ofqual Code" and the "Conditions of Recognition";*
  6. *Copies of any communication between Ofqual and the Department for Education in connection with the Investigation; and*
  7. *Copies of the following documents:*
    - *Any agreement or correspondence between Ofqual and the Skills Funding Agency relating to the secondment of [name redacted] commencing in late May or early June 2012;*
    - *The report of Ofqual's attendance at the standardisation meeting for the June 2010 CIE Pre-U series, including the report referred to in paragraph 5.17 of the Report; and*
    - *The complaint made by an F966/02 examiner in December 2011 in respect of the OCR A-level History qualification, all correspondence between Ofqual and such examiner and any report or decision produced by Ofqual in connection with such complaint."*
14. On 9 July 2012 Ofqual informed the complainant that as it estimated it would take in excess of 25 hours to locate, retrieve and extract the requested information, it had considered applying section 12 of the FOIA

to the request. However, Ofqual explained that it had decided to provide the information and would do so by the end of July.

15. On 27 July 2012, Ofqual informed the complainant that, as some of the information requested is her personal data, it had first considered the request under the Data Protection Act 1998 (the "DPA"). It explained that any requested information which is not her personal data was then considered under the FOIA.
16. Ofqual therefore provided the complainant's personal data to her under the DPA.
17. Ofqual explained that third party data which related to the individuals who had handled her complaint was not considered to be her personal data. It therefore explained that it had applied section 40(2) of the FOIA to the redacted third party data.
18. Ofqual also applied section 30(2)(a)(iii) and section 31(2)(c) of the FOIA to information held in relation to the complainant's complaint. It explained this information is held in connection with the current investigation in relation to its regulatory and enforcement powers under part 7 of the ASCLA.
19. In her letter requesting an internal review under the FOIA (dated 9 August 2012) the complainant noted that Ofqual had redacted some information under Legal Professional Privilege ("LPP"). The complainant explained that she assumed this was due to the application of section 42 of the FOIA but noted that no explanation had been provided and there was no evidence that the public interest test had been considered.
20. On 17 August 2012 Ofqual confirmed it would undertake an internal review and provided the complainant with the draft complaint report which had been circulated to the awarding organisations for comment.
21. Ofqual also explained that in its response it had omitted a paragraph which confirmed that some information had been withheld under LPP. It explained that legally privileged information could be withheld under paragraph 10 of Schedule 7 to the DPA and under section 42 of the FOIA.
22. On 19 August 2012 the complainant submitted further arguments to Ofqual. She explained why she considered the public interest supported the provision of the withheld information.

## Scope of the case

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23. The complainant contacted the Commissioner on 25 February 2013 to complain about the way her request for information had been handled. She argued she had not been provided with all the information she had requested.
24. On 3 May 2013 the Commissioner asked Ofqual to clarify what information had been provided to the complainant and what had been withheld under the DPA or the FOIA. He asked Ofqual to clarify which exemptions it had applied to the withheld information under each piece of legislation. He asked Ofqual if an internal review had been completed.
25. Ofqual provided an internal review on 14 June 2013. It provided the complainant with correspondence between the investigator and the school. It explained that it had originally considered this to be exempt from disclosure under section 30 of the FOIA. However due to the passage of time it no longer considered that the public interest required this information to be withheld.
26. Ofqual explained it had withheld information under section 40, section 42 and section 30 of the FOIA. It considered the public interest test and concluded that it had applied the exemptions correctly.
27. On 15 June 2013 the complainant raised with the Commissioner the issue of the delay in providing the internal review. She also outlined her key complaints about Ofqual.
28. On 17 June 2013 the complainant confirmed that as part of the scope of this case, she wanted the Commissioner to consider Ofqual's application of section 42, section 30 and section 31 of the FOIA to the withheld information. She confirmed she was not concerned with the information redacted under section 40(2) of the FOIA. She confirmed that she was content that question 7 may be removed from the scope of the case.
29. On 19 June 2013 the Commissioner asked Ofqual to clarify what information had been provided to the complainant and what information had been withheld under each exemption. He asked for a copy of the withheld information and asked Ofqual to provide its arguments with respect to the exemptions.
30. This was provided on 16 August 2013 and further clarification was provided on 6 September 2013. Ofqual confirmed its application of section 42 to correspondence containing legal advice. It confirmed that it was no longer relying upon section 30, but instead wished to apply section 31(1)(g) and 31(2)(c) to the letters it had received from OCR and CIE with their comments on the draft report. It provided the

withheld information to the Commissioner and confirmed that it had provided all other information to the complainant which does not fall under the exemptions claimed.

31. Ofqual explained that it had tried to explain to the complainant that the initial request was so vast that it had considered applying section 12 (costs). However it agreed to give her the information as she could have applied for it via the on-going legal proceedings. Ofqual explained that the complainant's personal details were not removed from this information as it was being disclosed to her and not the public at large. On reflection, Ofqual acknowledged it considered it should have refused to disclose the requested information under section 12 of the FOIA but then disclosed it under the DPA.
32. The Commissioner will consider the provision of the complainant's personal data under the DPA as part of case reference RFA0488667.
33. The Commissioner therefore considers the scope of this case to be concerned with Ofqual's application of section 42 to correspondence containing legal advice and its application of section 31(1)(g) and 31(2)(c) to the letters it had received from OCR and CIE with their comments on the draft report.

## **Reasons for decision**

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### **Section 42(1)**

34. Section 42(1) of the FOIA provides an exemption for information subject to legal professional privilege. As a qualified exemption, section 42(1) is subject to the public interest test, which means that the information must be disclosed if the public interest in maintaining the exemption does not outweigh the public interest in disclosure.
35. There are two limbs of legal professional privilege: advice privilege and litigation privilege. In this case, Ofqual has sought to rely on litigation privilege.
36. Litigation privilege applies to confidential communications made for the purpose of providing or obtaining legal advice about proposed or contemplated litigation. There must be a real prospect or likelihood of litigation, rather than just a fear or possibility.
37. For information to be covered by litigation privilege, it must have been created for the dominant purpose of giving or obtaining legal advice, or for lawyers to use in preparing a case for litigation. It can cover

communications between lawyers and third parties so long as they are made for the purposes of the litigation.

38. Ofqual has explained that it has applied section 42 of the FOIA to the following:

- Correspondence to and advice from Ofqual's external solicitors.

This initially concerned the management of the Judicial Review proceedings regarding OCR and CIE and the associated threat of Ofqual being joined as a party. It included general advice in respect of Ofqual's statutory and public law obligations.

- Advice provided by Ofqual's external solicitors concerning its obligations under ASCL and interpretation of the Conditions and the management of the process.
- The interparty correspondence between Ofqual's external solicitors and the OCR and CIE lawyers, where copied to Ofqual with legal advice.
- Internal legal advice in relation to the management of litigation and litigation advice in respect of responding to correspondence.
- Internal advice in respect of the management of the investigation and review including interpretation of the Conditions.

39. This correspondence and advice from Ofqual's external solicitors has therefore been shared internally with the relevant client group within Ofqual and with its internal solicitors.

40. Ofqual has confirmed that the dominant purpose of the communication in question was to give litigation advice. This was confidential advice between the client (Ofqual) and its external lawyer. It also covers advice between the client (internal Ofqual departments) and its internal Ofqual solicitors.

### **The public interest test**

41. As section 42 is a qualified exemption, the Commissioner has gone on to consider whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **Public interest arguments in favour of disclosing the requested information**

42. The complainant has argued that disclosure should be made in the interests of transparency. She considers that Ofqual has not conducted its investigation of her complaint in an open manner.
43. The complainant has argued that this case has highlighted a number of serious failings by Ofqual to discharge its responsibilities as a fair and impartial regulator. She therefore considers Ofqual has failed to properly investigate regulatory failings by awarding bodies. She wishes to hold Ofqual to account for these failings which have caused her harm and which she considers are potentially harmful to many learners throughout England (including those who wish to appeal their 'A' level results without support from their schools). She wishes to examine Ofqual's failings in the light of the legal advice it received.
44. She has therefore questioned whether the investigation into these appeal-related matters was conducted fairly and in good faith having regard to general legal or related advice available to Ofqual.
45. The complainant has argued that she is not seeking specific legal advice obtained by Ofqual in relation to her particular case or any judicial review that might have followed. She is seeking general advice (including internal advice) provided to Ofqual on the matter of banning direct appeals by school learners. She has argued that this therefore potentially concerns many people.

### **Public interest arguments in favour of maintaining the exemption**

46. In a number of previous decisions, the Commissioner and the Information Tribunal have expressed the view that disclosure of information subject to LPP would have an adverse effect on the course of justice through a weakening of the general principle behind this privilege. In the case of *Bellamy v Information Commissioner and Secretary of State for Trade and Industry*<sup>1</sup> the Information Tribunal described LPP as, "*a fundamental condition on which the administration of justice as a whole rests*".
47. It is very important that public authorities should be able to consult with their lawyers in confidence to obtain legal advice. Any fear of doing so

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<sup>1</sup> Appeal number EA/2005/0023



resulting from a disclosure could affect the free and frank nature of future legal exchanges or it may deter them from seeking legal advice. The Commissioner's published guidance on LPP states the following:

*"The client's ability to speak freely and frankly with his or her legal adviser in order to obtain appropriate legal advice is a fundamental requirement of the English legal system. The concept of LPP protects the confidentiality of communications between a lawyer and client. This helps to ensure complete fairness in legal proceedings."*

48. It is also important that if an authority is faced with a legal challenge to its position, it can defend its position properly and fairly without the other side being put at an advantage by not having to disclose its own legal advice or position in advance.
49. In light of the above, there will always be a strong argument in favour of maintaining LPP because of its very nature and the importance attached to it as a long-standing common law concept. The Information Tribunal recognised this in the Bellamy case when it stated that:

*"...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..."*

50. The above does not mean that the counter arguments favouring public disclosure need to be exceptional, but they must be at least as strong as the interest that privilege is designed to protect.
51. Ofqual has argued that the public interest inherent in the exemption means that it is not in the public interest to disclose the information. It has argued that although the advice is clearly of interest to the complainant, this does not amount to public interest generally.
52. Ofqual has argued that the complaint in this case relates to a specific situation regarding the examination awarding bodies' refusal to allow a direct appeal and not to the general application of the established examination appeals process. It has argued that the legal advice is specific to this complaint and does not refer to how Ofqual deals with appeals of other learners. It concludes that there is therefore no general public interest in disclosing this advice more widely.

### **Balance of the public interest arguments**

53. The Commissioner appreciates that in general there is a public interest in public authorities being as transparent and accountable as possible. However, having regard to the circumstances of this case, it is not the Commissioner's view that the public interest in disclosure equals or outweighs the strong public interest in maintaining Ofqual's right to consult with its lawyers in confidence.
54. The Commissioner notes that the public interest in maintaining this exemption is a particularly strong one and that equalling or outweighing that inherently strong public interest will usually involve factors such as circumstances where substantial amounts of money are involved; where a decision will affect a large amount of people; or where there is evidence of misrepresentation, unlawful activity or a significant lack of appropriate transparency.
55. Although the complainant argues that Ofqual has not acted fairly and transparently, the Commissioner has seen no evidence that Ofqual has misrepresented any legal advice it had received or evidence of a significant lack of transparency where it would have been appropriate.
56. The Commissioner is satisfied that the legal advice relates to the complainant's case. Although he understands that the advice received may affect a significant group of people (i.e. other learners who may wish to appeal against their grades), he has seen no evidence to suggest misrepresentation or unlawful behaviour on the part of Ofqual in its role as regulator.
57. In addition, the information, although not 'live', is recent. There is also no large amount of public money at stake.
58. It is clear to the Commissioner in this case that the inherent public interest in protecting the established convention of LPP is not countered by at least equally strong arguments in favour of disclosure. He therefore determines that the exemption at section 42 has been applied correctly by Ofqual.
59. The Commissioner is therefore satisfied that Ofqual was correct to apply section 42 to the legal advice and communications it has withheld under this exemption.

### **Section 31: Law enforcement / Regulatory investigation**

60. Ofqual has provided a copy of the original draft report to the complainant but not the awarding organisations' comments regarding that draft. Ofqual has therefore withheld the two letters it was sent by OCR and CIE which contain these comments.

61. Ofqual has argued that the withheld information is exempt on the basis of section 31(1)(g). This provides that information is exempt if its disclosure would or would be likely to prejudice the exercise by any public authority of its functions for any of the purposes set out in 31(2) of the FOIA. In this case Ofqual has argued that prejudice would, or would be likely, to occur. The Commissioner has first considered whether prejudice would be likely to occur.
62. The purposes that Ofqual has argued would be likely to be prejudiced if the information was disclosed are provided at section 31(2)(c): ascertaining whether circumstances would justify regulatory action.
63. In order for section 31(1)(g) of FOIA to be engaged, Ofqual must therefore demonstrate that the potential prejudice relates to this function.
64. Ofqual has explained that the withheld information relates to the investigation regarding the allegation of a breach of the Conditions. It has argued that disclosure under the FOIA would, or would be likely to, prejudice the exercise by Ofqual of its functions under the ASCLA in ascertaining whether circumstances of the case would justify regulatory action being taken. Taking these factors into account the Commissioner is satisfied that the potential prejudice argued by Ofqual relates to the function set out in section 31(2)(c).
65. The Commissioner has gone on to consider whether this prejudice would be likely to occur. In order to argue that prejudice is likely to occur, a public authority must be able to demonstrate that there must be more than a hypothetical or remote possibility of prejudice occurring.

Ofqual is required to set Conditions for its recognised awarding organisations and has powers to take regulatory action if those Conditions are breached. It must therefore investigate allegations brought to it. Therefore, it has argued, it is important that the awarding organisations involved are allowed a fair and reasonable opportunity to comment. It is also important that those organisations are able to provide full and candid responses to Ofqual.

66. Ofqual has explained that it followed its Taking Regulatory Action Policy with respect to notification and opportunities to make representations. It has explained it has a statutory obligation to give an opportunity for representations on the type of regulatory action it might chose to take.
67. Ofqual relies upon the organisations it regulates to be candid in their arguments and it has argued that disclosure of such submissions may harm Ofqual's ability to investigate such matters in the future. Although the investigation in this case is finished, Ofqual considers that disclosure

of the awarding bodies' arguments would be likely to prejudice its future investigations as it is important that it is able to work closely with the relevant awarding bodies.

68. The Commissioner understands that Ofqual will be dependent on its communications with the awarding bodies being full and frank in nature so that it can effectively provide advice and investigate whether regulatory action is required. The act of disclosure could therefore make the awarding bodies more reluctant to provide their candid submissions on a voluntary basis. The Commissioner agrees that Ofqual would be hampered in carrying out its functions if its relationship with the awarding bodies was undermined by the disclosure of these submissions.
69. Given the nature of the withheld information, the Commissioner accepts that disclosure would be likely to result in prejudicial effects to Ofqual's purposes described at sections 31(2)(c) of FOIA.
70. As section 31 is a qualified exemption, the next step is for the Commissioner to consider whether in all of the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosure.

### **Public interest test**

#### **Arguments in favour of disclosing the information**

71. Ofqual has recognised that there is a public interest in it operating transparently and in being held to account in its public task of regulating examination bodies.
72. Ofqual understands that it is of interest to the public to understand how awarding organisations operate their enquiries about results and appeals processes in practice. If there is a failing in those processes Ofqual recognises that it is in the public interest for these to be exposed.
73. Ofqual acknowledges that it is also in the public interest to know if there has been a breach of these arrangements and whether this may have caused potential prejudice to a particular candidate or class of candidates. It acknowledges that it is the public interest to know how it investigates potential breaches of the Conditions and how Ofqual as the statutory regulator would deal with such a matter.
74. The complainant has also argued that disclosure should be made in the interests of transparency. She considers that Ofqual has not conducted its investigation of her complaint in a transparent manner. She argues that in not providing her with the representations of OCR and CIE,

Ofqual has denied her the opportunity to counter any arguments they may have made.

### **Arguments in favour of maintaining the exemption**

75. Ofqual has argued that it now knows the draft report which the awarding bodies were asked to comment on contained an error/mistake of fact. These comments therefore caused Ofqual to review the draft report and to reach a different final conclusion. Ofqual has argued that it would therefore be unfair to the awarding organisations to publish their response to a draft report which was later withdrawn.
76. In addition, Ofqual has explained that it followed its own regulatory policy (see paragraph 66 above) with respect to notification and opportunities to make representations. It has not failed in its processes or failed to follow its own procedures. It has argued that there is no public interest in providing information which does not enable the public to better understand how its regulatory process or its decision making works.
77. Ofqual has argued that the response relates to a regulatory investigation in relation to a very specific case and that disclosure would not be of general public interest. It considers that the issue arose because the complainant "*jumped to litigation*" rather than reviewing the processes applicable to the situation. It therefore argues that the correspondence is of specific interest to the complainant only, in the light of the on-going litigation.
78. Ofqual has also argued that disclosure may harm its ability to investigate such matters in the future if the bodies it regulates feel they cannot be candid with it regarding its regulatory investigations. This is not in the public interest as it would have a negative impact upon its ability to carry out its statutory functions.

### **Balance of the public interest**

79. The Commissioner considers that there is a strong public interest in Ofqual operating openly and being accountable in its effectiveness in carrying out its statutory functions.
80. However the Commissioner also considers that there is a strong public interest in not disclosing information which would be likely to impede Ofqual's ability to carry out its functions effectively. Therefore disclosing information which would be likely to frustrate the voluntary flow of information between awarding bodies and Ofqual would not be in the public interest.

81. On balance, the Commissioner considers that the public interest in favour of disclosure is outweighed by the public interest in favour of maintaining the exemption. He is satisfied that the question of maintaining the integrity of the investigation in this matter outweighs any public interest in disclosing this correspondence.
82. The Commissioner therefore considers that Ofqual was correct to apply section 31(1)(g) with subsection (2)(c) of the FOIA to the withheld submissions of the awarding bodies.

## **Other matters**

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### **Complaints about Ofqual as a regulator**

83. The complainant has questioned whether Ofqual's regulatory system with its policy of preventing school-based (as opposed to private) candidates from appealing their results directly to an awarding body is fair, rational and lawful.
84. She has questioned whether Ofqual is organisationally capable of effectively regulating awarding bodies and in the process protecting the legitimate interests of students (or "learners").
85. However, the Commissioner cannot comment on the regulatory policies of Ofqual or consider how it has discharged its regulatory duties. He has no jurisdiction under the FOIA to review how Ofqual conducts its investigations or to comment on alleged procedural errors.

### **Delays**

86. The complainant has also complained about the delay in Ofqual's provision of an internal review. She requested an internal review on 9 August 2012 and was provided with further information on 17 August 2012. However, she was not provided with a substantive conclusion to the internal review at this point. It was only following the intervention of the Commissioner that the internal review was provided 14 June 2013.
87. Part VI of the section 45 Code of Practice makes it desirable practice that a public authority should have a procedure in place for dealing with complaints about its handling of requests for information. As he has made clear in his '*Good Practice Guidance No 5*', published in February 2007, the Commissioner considers that these internal reviews should be completed as promptly as possible. While no explicit timescale is laid down by the FOIA, the Commissioner has decided 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.

88. The Commissioner is therefore concerned that there was a delay of 10 months before an internal review was provided by Ofqual.

**Clarity of responses**

89. In this instance, it was not initially clear from Ofqual's responses whether information was being refused under the FOIA or the DPA. On review, Ofqual considered it should have refused to disclose the requested information under section 12 of the FOIA but then should have disclosed it under the DPA.
90. The Commissioner's approach in such cases is to recommend that a public authority should first consider whether an applicant's personal data can be provided under the DPA. Once the question of personal data has been addressed, the Commissioner would then recommend that the public authority should consider the provision of any remaining information which is not personal data under the FOIA.

## Right of appeal

91. 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)

92. 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.
93. 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 .....**

**Rachael Cragg**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**