

15 February 2024

IC-285258-J9Y0

Request

With regards to the First Tier Tribunal FOIA appeal under the reference EA/2023/0288 which was withdrawn, you asked us which party withdrew the appeal, the date of withdrawal and any reasons given behind the withdrawal.

We received your request on 30 January.

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

We do hold information within the scope of your request. The North Sea Transition Authority were the appellant and therefore the only party with the ability to withdraw the appeal, and they did so on 30 November 2023.

We do hold some information about the reason for the withdrawal but cannot disclose this information because it is exempt pursuant to s.44 FOIA and s.132 DPA 2018. Further information about this can be found below.

FOI section 44 (& DPA s132)

Some information has been withheld under section 44 of the FOIA.

Section 44(1)(a) states;

'(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it -

(a) is prohibited by or under any enactment'

The enactment in question is the Data Protection Act 2018. Section 132(1) of part 5 of that Act states that:

"A person who is or has been the Commissioner, or a member of the Commissioner's staff or an agent of the Commissioner, must not disclose information which—

(a) has been obtained by, or provided to, the Commissioner in the course of, or for the purposes of, the discharging of the Commissioner's functions,

(b) relates to an identified or identifiable individual or business, and

(c) is not available to the public from other sources at the time of the disclosure and has not previously been available to the public from other sources,

unless the disclosure is made with lawful authority."

We find that these circumstances apply here because the information you have requested relates to the NSTA as an identifiable business and was provided to us in the course of our regulatory work.

Section 132(2) lists circumstances in which a disclosure can be made with lawful authority, however none of them apply here. As a result this information is exempt from disclosure.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full [review procedure](#) on our website.

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint](#) through our website.

Your information



Our [privacy notice](#) explains what we do with the personal data you provide to us, and sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely



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