

21 March 2024

Case reference: IC-291031-R5T1

We are now in a position to respond to your information request of 28 February.

Request

"I would be grateful for information on your policy, and on the thinking underlying it, when an appeal against a decision of the Commissioner is allowed by the Tribunal and a substitute decision notice is issued.

*To take as an example,... appeal against decision notice FS50898925 was upheld in part in Tribunal judgement EA/2020/0215 which included a *substitute* decision notice. Although there is a reference on the ICO website page for FS50898925 ("Information Tribunal appeal EA/2020/0215 allowed in part"), the decision notice itself remains unchanged, and so anyone going direct from a search engine to the decision notice would not be aware that a substitute had been ordered."*

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

Our response

We do not hold information within scope of your request for a policy on the specific scenario you have described.

We aim to publish anonymised versions of all the decision notices we issue under the FOIA and Environmental Information Regulations 2004 (EIR) as regulator on our website. These are available online [here](#).

Either party has the right to appeal the decision notice to the First-tier Tribunal (General Regulatory Chamber) Information Rights, (the 'Tribunal'). This appeal has to be made directly to the Tribunal. You can find further information about the Tribunal on the www.gov.uk website [here](#).

Once published, we do not amend decision notices. However, we do try to add a note on the summary page for the published decision notice that it has been appealed, the appeal reference and outcome. This allows interested people to cross-reference cases with the Tribunal's website. This note is viewable on the relevant ICO webpage but may not appear on an internet search that returns the decision notice document itself.

The Tribunal is a separate, independent body to the ICO. Its decisions are made on behalf of the Tribunal and are listed on their pages for the public. There is no requirement in the legislation for us to publish the decisions made by the Tribunal.

We do undertake reviews of Tribunal and court decisions in order to establish if there has been any change in case law, and if we need to change our case handling practices, policy positions and guidance as a result. You can find further information on previous notable decisions on our webpage [here](#).

This concludes our response to your request. We hope you found this information helpful.

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 [here](#).

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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**For information about what we do with personal data
see our [privacy notice](#)**