

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

### **Decision notice**

**Date:** 22 March 2019

**Public Authority:** Bank of England  
**Address:** Threadneedle Street  
London  
EC2R 8AH

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

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1. The complainant has requested information relating to instances when time with or access to the Governor of the Bank of England was won or secured through charitable or social events. The public authority disclosed some of the information held. It withheld the names of the individuals who had secured visits to the Bank of England including tea with the Governor following successful bids at three charitable auctions and, the winning bid amounts. The information was withheld on the basis of the exemption at section 40(2) FOIA (personal data). The identity of a School that hosted one of the charitable auctions was additionally withheld on the basis of the exemption at section 38(1)(b) FOIA (health and safety).
2. The Commissioner's decision is that the public authority was entitled to rely on the exemptions at section 40(2) FOIA and section 38(1)(b) FOIA.
3. The Commissioner does not require the public authority to take any steps.

## Request and response

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4. The complainant submitted a request for information to the public authority on 7 February 2018 in the following terms:

"Following news reporting about The Presidents Club, the BoE revoked an unauthorised charity auction prize of tea with the governor (which had been previously won legitimately but then re-gifted.)

Please release to me, as specified below, the information held by the BoE regarding instances when time with, or access to, the governor was won or secured through charitable or social events during his tenure.

Please provide details of:

1. Who spent such time with the governor; if he/she differs from the individual who secured the access, please also specify the latter individual.
  2. What that time and access entailed
  3. How the time and access was secured – whether through an auction, competition, or any other mechanism;
  4. If cash was required to secure such time and access – eg through an auction – how much money was involved in each case; and
  5. Where that cash went: if to charities, please specify the charities.
  6. What governance arrangements the BoE has in place around such access."
5. The public authority responded on 7 March 2018, providing the following information:

The public authority's policy regarding charitable donations;

Confirmation that tours of the public authority, which included having tea with the Governor of the Bank of England, were donated to four charity auctions (one of which was subsequently revoked);

The identities of three of the four charities to whom the public authority had donated tours and a description of the fourth;

The dates of the visits (where applicable); and

A brief summary of who attended the tour and also, where applicable, the relationship of certain attendees to the successful bidder.

6. The public authority explained that since it did not run the charitable events, it held no recorded information on how the proceeds of the charitable auctions were used.
7. The public authority further explained that it considered the following information exempt under section 40(2) FOIA: (1) identities of the individuals who secured visits to the public authority as a result of the three charitable auctions to whom the public authority had donated tours and those who accompanied them on those visits and, (2) how much was bid by those individuals (to the extent that bid information is held since the public authority did not hold information for all of the charitable auctions).
8. The public authority also withheld the identity of a School that hosted one of the charitable auctions relying on the exemption at section 38(1)(b) FOIA.
9. The complainant requested an internal review on 25 April 2018 disputing only the decision to rely on section 40(2) FOIA. Regarding the application of section 38(1)(b) the complainant stated as follows: "We understand the reason for the exemption under S.38(1)(b) in relation to the particular school fundraising you detailed in your letter...."
10. The public authority wrote back to the complainant on 22 June 2018 with details of the outcome of the internal review. The review upheld the original decision to rely on section 40(2).

### **Scope of the case**

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11. The complainant contacted the Commissioner on 10 July 2018 to complain about the public authority's decision to rely on section 40(2) to withhold the information on that basis. The complaint was accepted for investigation on 13 July 2018.
12. The scope of the Commissioner's investigation therefore was to determine whether the public authority was entitled to rely on section 40(2) FOIA to withhold the following information:
  - 1) the identity of the individuals who secured visits to the public authority as a result of the three charitable auctions to whom the public authority had donated tours and those who accompanied them on those

visits and, (2) how much was bid by those individuals (to the extent that bid information is held by the public authority).<sup>1</sup>

13. In exercise of her discretion the Commissioner additionally considered whether the public authority was entitled to rely on section 38(1)(b) FOIA.

## **Reasons for decision**

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### Withheld information

14. The withheld information is in two parts as mentioned above.
15. As revealed to the complainant by the public authority in the letter of 7 March 2018, the withheld information comprises of the names of the successful bidders who visited the Bank of England and, additionally in the case of two of the successful bidders the names of their spouses who accompanied them, for a tour including tea with the Governor. The successful bidder for the auction hosted by Oxford Parent Infant Project (OXPIP) visited the public authority alone.
16. The withheld information additionally comprises of the winning bid amounts for the auctions hosted by Riding for the Disabled Association (RDA) and a School whose identity was withheld by the public authority on the basis of the exemption at section 38(1)(b) FOIA. The public authority confirmed that it does not hold the winning bid amount for the auction hosted by OXPIP. It would appear from the submissions provided to the Commissioner that OXPIP did not respond to the public authority's letter seeking details regarding the auction it had hosted.

### Section 40(2) FOIA

17. The Commissioner's approach to complaints received pursuant to the application of section 40(2) since the introduction of the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA 2018) is set out below.
  18. If the request for information was received before 25 May 2018 and responded to before that date, then the consideration of disclosure will still be made with reference to the Data Protection Act 1998 (DPA 1998) principles. However, if the request is received before 25 May 2018 but
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<sup>1</sup> The withheld information is set out in more detail below.

not responded to until that date, then the GDPR principles should be considered.

19. Therefore, in this case, since the request was received by the public authority on 7 February 2018 and dealt with by the public authority on 7 March 2018, the Commissioner will consider the DPA 1998 principles in determining the applicability of section 40(2) to the withheld information.
20. Before it was amended to reflect the enactment of the GDPR and DPA 2018, information would be exempt from disclosure on the basis of the exemption at section 40(2) if it constitutes third party personal data (ie the personal data of an individual other than the applicant) and either of the two conditions in section 40(3) FOIA is satisfied.
21. Before it was amended, the conditions in section 40(3) FOIA were that: (1) disclosure of the requested information would contravene any of the data protection principles or section 10 of the DPA 1998 and, (2) the information is exempt from section 7(1)(c) of the DPA 1998 (data subject's right of access to personal data).<sup>2</sup>

#### Complainant's submissions

22. The complainant's submissions with respect to the application of section 40(2) are reproduced below.
23. The objective of the FOIA is to instil confidence in public institutions. Being transparent about who has paid not inconsequential sums of money to secure private time with the Governor is fundamental to maintaining that confidence. Moreover, the Governor has spoken on several occasions on the need for the Bank of England to be a more transparent and accountable institution.
24. The individuals who won competitive auctions to secure time with the Governor had, and have, no reasonable expectation of privacy in relation to such information, and its release under the FOIA would be entirely fair and lawful.
25. Gaining access to the Governor is pre-eminently a public event. He is a public figure, heading a very important public institution. There is no lawful obligation of confidence surrounding such information. On the

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<sup>2</sup> The full text of section 40 FOIA pre-amendment to take account of the GDPR and the DPA 2018 is available here: <http://www.legislation.gov.uk/ukpga/2000/36/section/40/enacted>

contrary, there is a legitimate interest in the public having access to such information, which would not be damaging or distressing to any individual.

26. "Releasing the information to me in this instance would serve the purposes of legitimate interests I am pursuing as a news reporter compiling public-interest news stories at the Financial Times" – ie release would actually be fully compliant with the DPA, it would be fair, lawful and compliant with para 6(1) of Schedule 2 to the DPA.
27. Further, and in the alternative, if identities of the individuals are not to be divulged, it is hard to see how releasing simply the amount that they bid could conceivably give rise to any privacy concerns whatsoever.

#### Public authority's submissions

28. The public authority's submissions on why it considers that the withheld information constitutes personal data are summarised below.
29. The public authority considers that the names of the individuals who successfully bid on tours of the Bank including tea with the Governor and those who accompanied them on those tours constitute personal data within the meaning of the DPA 1998. The public authority additionally considers that the winning bid amounts held equally constitute personal data within the meaning of the DPA 1998.
30. The names relate to living individuals who can be identified from that data alone or other information that is in possession of or likely to come into the possession of a sufficiently motivated individual. It would be relatively straightforward for a determined person such as an investigative journalist to identify the individuals using information already in the public domain once they knew their names.
31. In addition to searching social media sites, the public authority's Security and Privacy Division has explained that commercially available software could be used to identify the individuals by combining the information that the public authority has already disclosed pursuant to the complainant's request with other publicly available information. It explained that no particular technical expertise would be required and that an investigative journalist would very probably have available to them the relevant tools to carry out such a search. It was therefore highly likely that a sufficiently motivated individual such as an investigative journalist could already successfully identify the individuals.
32. Having established the identity of the successful bidder it would then be a simple matter to identify from other publicly available information the

person who accompanied the individual on their tour of the Bank given that the public authority has already disclosed that it was a spouse.

33. Although the complainant is not challenging the decision to rely on section 38(1)(b), this exemption would effectively be undermined if the public authority was required to disclose the name of the successful bidder for the School auction. It would be relatively straightforward for the reasons explained above for a motivated individual in receipt of the name to then combine that information with other information to identify the School in question.
34. With respect to the winning bid amounts the public authority has argued that they relate to identifiable individuals who can be identified from that data or that data and other information which is in the possession of, or likely to come into the possession of a sufficiently motivated individual. It acknowledged that the amount of the bids do not in themselves directly identify individuals. They are not for example, of such a magnitude that only a relatively small number of people would have been capable of making them.
35. The public authority however drew the Commissioner's attention to the following statements in the ICO's code of practice on anonymisation:

"It is good practice to try to look at identification 'in the round', i.e. all organisations disclosing anonymised data should assess whether any organisation or member of the public could identify any individual from the data being released – either in itself or in combination with other available information."

"Some types of data will be more attractive to a motivated intruder than others – and more consequential for individuals. In reality these factors should also inform an organisation's approach to disclosure."
36. The public authority submitted that the complainant, an investigative journalist from an international newspaper, who it assumes wishes to discover the identities of the individuals and the amounts that they have bid at charitable auctions in order to include that information in an article she would like to write should be considered a "motivated intruder" for the purposes within the meaning envisaged in the code of practice. It noted that the complainant had already written one article in the Financial Times (FT) about her request in this case. The Commissioner is aware of an article published in the FT on 9 July 2018 (just prior to her complaint to the Commissioner) entitled "BoE refuses to name donors who paid for Carney time." However, the article is behind a paywall and she has not read it.



37. The public authority considers that a highly motivated intruder could successfully identify the individuals from information already in the public domain. Seemingly 'anonymous' information such as the amounts bid will increase the already high risk that those individuals could be identified. This is because such information will create an additional 'data point' which will, when combined with (i) the information the public authority has already disclosed pursuant to the complainant's request and, (ii) other publicly available information, lead to identification. In support of this view it drew the Commissioner's attention to the following passage in the ICO's code of practice on anonymisation:

"....the risk of combining information to produce personal data increases as data linkage techniques and computing power develop, as more potentially 'match-able' information becomes publicly available."

38. The public authority's submissions on why it considers that disclosure of the withheld information would contravene the first data protection principle are summarised below.

39. In assessing whether disclosure would be fair the public authority explained that it had regard to the ICO's guidance on personal information in the context of section 40 FOIA and therefore considered:

- a. Whether the withheld information is sensitive personal data;
- b. The possible consequences of disclosure on the individuals concerned;
- c. The reasonable expectations of the individuals concerned; and
- d. Whether there is a legitimate interest in the requester having access to the information and the balance between this and the rights of the individuals concerned.

40. The information is personal data but not sensitive personal data.

41. The individuals concerned were contacted to see if they were prepared to give their consent for the public authority to disclose the withheld information. All of the individuals considered the information to be their personal data or referred to it in similar terms – ie as being private. None of the individuals contacted were prepared to consent to the release of their personal data and a number of concerns were raised. It is clear that some distress would be caused to these individuals by the disclosure of their personal data in response to this request particularly in circumstances when they have not consented to its disclosure. This distress would be likely to be even greater were it known that the information was to be disclosed to a journalist from an international newspaper who intends to publish it. The public authority clarified that it



had not revealed to the individuals concerned the name of the complainant or her occupation.

42. The public authority considered what the reasonable expectations of the individuals concerned might have been. It reiterated that all of the individuals consider that the withheld information is private. None have given their consent to its disclosure. The public authority is not aware that any of the individuals were provided with any information that suggested that their names and the amount they bid would be made public either by the public authority or the relevant charity.
43. A person attending and participating in a charity auction would not necessarily assume that the withheld information would be made public. Donations to charity can be a personal and sensitive matter. Although financial information is not necessarily sensitive personal data, it must be treated with great care as there is a strong potential for misuse. For example, if such personal data is released then the individuals who make such donations could be unfairly targeted, either for further charitable giving or potentially for more unscrupulous reasons such as identity theft. As a result many individuals prefer to donate to charities anonymously.
44. The public authority explained that it has attempted to establish with the charities concerned whether the identities of the bidders and the amounts of the successful bids were common knowledge locally. It is unclear precisely what format the auctions took in each instance. It is also unclear the extent to which any of those who may have been present at any auction might know the identities of those who successfully bid and the amounts that were bid. However, in the case of the School charity auction, it was confirmed that "there were no published details relating to this lot and no details of the successful bidder or amount raised from this lot have been published subsequently." In the case of RDA charity auction, it was stated that "they did not make public the name of the winning bidder." Given this the public authority has concluded that on balance the withheld information is unlikely to be in the public domain and notes that this appears to be the view of the individuals concerned too.
45. The public authority considered whether there is a legitimate interest in the complainant having access to the withheld information and the balance between this and the rights of the individuals concerned.
46. It accepted that there is a legitimate interest in the public authority being seen to be open and accountable and it submitted that it already does this in a number of ways. For example, recognising the public interest that there may be in this matter it published the information it has disclosed to the complainant on its website in March.

47. As the central bank of the United Kingdom, in addition to the personal data of its own approximately 4,000 staff it also handles data sets containing personal data that assist it with fulfilling its monetary and financial stability functions as well as the prudential regulation of regulated financial services firms. It is therefore equally important that the public authority upholds (and is seen to be upholding) the principles of data protection legislation by respecting the privacy rights of individuals whose personal data it holds. In this case none of the individuals concerned consented to the disclosure of their personal data and the public authority considers that it would cause them some distress were it to do so.
48. The public authority therefore considers that it has achieved a reasonable balance in this case between these two important principles of transparency and privacy. It has provided the complainant with most of the information requested about the charitable auctions and subsequent tours while respecting the privacy rights of the individuals involved.

### **Commissioner's considerations**

#### Is the withheld information personal data?

49. The Commissioner has first considered whether the withheld information is personal data within the meaning of the DPA 1998.
50. Personal data is defined in section 1 of the DPA 1998 as:

'.....data which relate to a living individual who can be identified from those data or from those data and other information which is likely to come into the possession of, the data controller; and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any person in respect of the individual.'
51. The Commissioner has no hesitation finding that the names of the successful bidders constitute their personal data. It is data which relates to them and from which they can be identified. She also shares the view that a determined person would be able to easily identify the individuals using information in the public domain such as social media sites once they knew their names. Equally, since the public authority has revealed that all the successful bidders except one redeemed the winning prize with their spouses, the Commissioner considers that their spouses could also be easily identified from publicly available information.
52. The Commissioner accepts that a determined person, in particular a person with the requisite skillset for conducting investigations or fact-finding research could use the winning bid amounts in conjunction with

the information the public authority has already disclosed pursuant to the complainant's request and other publicly available information to identify the individuals concerned. She accepts that this is now more likely with the development of better data linkage techniques.

53. The Commissioner therefore finds that the withheld information is personal data within the meaning of the DPA 1998. She is satisfied that the information is not sensitive personal data within the meaning of section 2 of the DPA 1998.<sup>3</sup>

Would the disclosure of the information requested contravene the first data protection principle in the DPA 1998?

54. As mentioned, in order to successfully engage section 40(2), either of the conditions in section 40(3) FOIA must be satisfied. The first condition is that disclosure of the requested information would contravene any of the data protection principles or section 10 of the DPA 1998. The public authority considers that disclosure of the withheld information would contravene the first data protection principle.

55. The Commissioner has therefore gone on to consider whether disclosure of the withheld information would contravene the first data protection principle.

56. The first data protection principle states:

'Personal data shall be processed fairly and lawfully and, in particular shall not be processed unless-

At least one of the conditions in schedule 2 [DPA] is met...'

57. In assessing whether disclosure of personal data would be unfair, and thus breach the first data protection principle, the Commissioner takes into account a range of factors including:

- The reasonable expectations of the individual in terms of what would happen to their personal data. Such expectations could be shaped by:
  - their general expectations of privacy;
  - the nature or content of the information itself;
  - other circumstances in which the personal data was obtained;

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<sup>3</sup> <http://www.legislation.gov.uk/ukpga/1998/29/section/2/enacted>

- any particular circumstances of the case; and
  - whether the individual consented to their personal data being disclosed or conversely whether they explicitly refused.
  - The consequences of disclosing the information, ie what damage or distress would the individual suffer if the information was disclosed? In consideration of this factor the Commissioner may take into account:
    - whether information of the nature requested is already in the public domain;
    - if so the source of such a disclosure; and even if the information has previously been in the public domain does the passage of time mean that disclosure now could still cause damage or distress?
58. Furthermore, notwithstanding the individual's reasonable expectations or any damage or distress caused to them by disclosure, it may still be fair to disclose the requested information if it can be argued that there is a more compelling legitimate interest in disclosure to the public. In considering 'legitimate interests', in order to establish if there is a compelling reason for disclosure, such interests can include broad general principles of accountability and transparency for their own sake, as well as case specific interests.
59. In addition, under the DPA 1998 the exercise of balancing the rights and freedoms of data subjects against the legitimate interest in disclosure is different to the public interest test that is required for the qualified exemptions in the FOIA. In the public interest test, there is an assumption in favour of disclosure because the public authority must disclose the information unless the public interest in maintaining the exemption outweighs the public interest in disclosure. In the case of section 40(2) the interaction with the DPA 1998 means the assumption is reversed; a justification is needed for disclosure.

Reasonable expectations of the individuals concerned (ie the data subjects)

60. The Commissioner has considered the reasonable expectations that the successful bidders had regarding their privacy with respect to their participation at the respective charitable auctions.
61. Both the RDA and the School responded to the public authority's enquiry which sought to know whether they were aware of any information in the public domain released either by the charities themselves or by other means with regards to the charity auction. The RDA auction took place on 26 September 2017 and the winning prize - ie - the tour of the Bank including tea with the Governor was redeemed on 17 January 2018. It is not clear when the School charity auction took place.

However, the winning prize was redeemed on 4 October 2016. The OXPIP did not respond to the public authority's enquiry. The winning prize pursuant to that auction was however redeemed on 19 February 2015.

62. The RDA responded to say that they did not make public the name of the successful bidder. Its response does say that the guests at the auction would have been aware of the winning bid amount. Whether the guests would have been aware of the identity of the successful bidder is however not explicitly stated in their response. However, although it does mention that the RDA did not make public the name of the successful bidder, the response also does not explicitly state that the guests would have been unaware of the identity of the successful bidder.
63. In the circumstances however, the Commissioner considers that it is reasonable to assume that the guests were included in RDA's statement that it did not publicly identify the successful bidder. Further, the successful bidder's response to the public authority's enquiry pursuant to this request suggests that they bid anonymously. They also withheld their consent from the public authority revealing their identity and the winning bid amount.
64. On that basis the Commissioner disagrees with the view that the successful bidder at the RDA charity auction had no reasonable expectation of privacy in relation to their identity and the winning bid amount.
65. The School responded to say that "there were no published details relating to this lot..." and that "no details of the winning bidder or amount raised from that auction (lot) have been published subsequently." It is not clear whether the initial statement was made only in reference to the format of the auction or to publication more widely. However, the successful bidder also did not consent to the publication of their identity and the winning bid amount. It is therefore reasonable to assume in light of both the response from the School and the successful bidder that the latter had a reasonable expectation that their identity and the amount that they bid would not be revealed.
66. OXPIP did not respond to the public authority's enquiry and it has therefore not been possible to establish precisely the format the auction took in its case in particular whether the guests might know the identity of the successful bidder and/or the winning bid amount. However, in their response to the public authority's enquiry, the successful bidder stated that they had participated in the auction in a private capacity and they did not consider that releasing their details would serve a legitimate purpose.

67. Clearly the successful bidder's view that they had participated in the auction in a private capacity does not establish with any certainty that their identity and/or the amount that they bid was not known to other guests at the auction. However, in the absence of any contradictory evidence or evidence suggesting that the information has since been published, the Commissioner is satisfied that the successful bidder had a reasonable expectation that their identity and the winning bid amount would not be published.
68. The Commissioner considers that the spouses of the successful bidders who toured the Bank equally had a reasonable expectation for the reasons explained above that their identity would not be released to the public. Further, while the Commissioner has not established whether the successful bidders were accompanied by their spouses to the auctions, the spouses would reasonably expect that their names would not be published in the context of a charitable auction that they did not attend if that is in fact the case.

The possible consequences of disclosure on the data subjects

69. Having considered the data subjects' responses to the public authority's consultation with them further to the request for their personal data, the Commissioner accepts that disclosure of the withheld information is highly likely to cause them some distress. The Commissioner notes from the nature of the responses that media publicity in particular is likely to be particularly distressing to the data subjects. A couple also expressed security concerns to the public authority in relation to themselves and their children.
70. The Commissioner considers that publishing the names of the data subjects and the winning bid amounts in the context of the issue that the complainant a journalist is investigating is highly likely to cause them some distress.

Is disclosure necessary for the purposes of legitimate interests pursued by the complainant and the balance between this and the rights and freedoms or legitimate interests of the data subject?

71. As mentioned, notwithstanding the data subjects' reasonable expectations or any damage or distress caused to them by disclosure, it may still be fair to disclose the withheld information if it can be argued that there is a more compelling legitimate interest in disclosure to the public.
72. The Commissioner shares the view that being transparent about who has secured private time with the Governor is fundamental to maintaining confidence in the public authority, an important public



institution. A lack of transparency with respect to who has secured private time with the Governor could seriously undermine confidence in the public authority. There is clearly a legitimate interest in revealing this information as well as the amount of money spent whether through a charity auction or other means in order to gain access to the Governor.

73. However, in the Commissioner's view there will be a compelling legitimate interest in revealing the identity of the successful bidders if there was enough of a basis to reasonably believe there is scope for undue influence in these circumstances. The Commissioner has not seen evidence to suggest that individuals with means and/or from a particular sector have frequently gained private access to the Governor through their financial support of charitable causes.
74. The Commissioner accepts it is important that the public authority upholds (and is seen to be upholding) the principles of data protection legislation by respecting the privacy rights of individuals whose personal data it holds. However, the public will not expect, and reasonably so in the Commissioner's view, data protection legislation to be used as a cloak to conceal the identity of individuals who have secured private time with the Governor of the Bank of England a very senior and influential official and, the amount of money spent (albeit in furtherance of a charitable cause) in order to secure that access. Nevertheless, in view of the reasons set out in the preceding paragraph, the Commissioner has narrowly concluded that this legitimate interest is not a compelling one in the circumstances of this case.
75. The Commissioner therefore finds that disclosure of the withheld information would be unfair and consequently in contravention of the first data protection principle.
76. Consequently, the Commissioner has concluded that the public authority was entitled to rely on the exemption at section 40(2) FOIA.

#### Section 38(1)(b)

77. As mentioned, the complainant has not challenged the decision to rely on the exemption at section 38(1)(b) and the public authority has argued that the exemption would only be undermined if it was required to disclose the name of the successful bidder for the School auction.
78. Therefore, given the Commissioner has concluded that the public authority was entitled to rely on the exemption at section 40(2), she is not required to consider the application of the exemption at section 38(1)(b). However, in the circumstances of this case, the Commissioner has gone on to consider the application of the exemption at section



38(1)(b) at her discretion. The Commissioner's findings are set out below.

79. Information is exempt from disclosure on the basis of section 38(1)(b) if its disclosure would or would be likely to endanger the safety of any individual. The exemption is subject to the public interest test set out in section 2(2)(b) FOIA.<sup>4</sup>
80. The public authority submitted that it would be relatively straightforward for a motivated individual in receipt of the name of the successful bidder at the School auction to then combine that information with other information to identify the School in question. The Commissioner has not reproduced the rest of the public authority's submissions in this notice in order not to defeat the purpose of relying on the exemption in the first place.
81. Having carefully considered the submissions the Commissioner finds that the public authority was entitled to conclude that revealing the name of the School would or would be likely to endanger the safety of any individual.
82. Furthermore, the public authority was entitled to conclude that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in revealing the name of the School.

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<sup>4</sup> Whether in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the withheld information.

## Right of appeal

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83. 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@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

84. 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.
85. 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 .....**

**Gerrard Tracey**  
**Principal Adviser**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**