

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 19 November 2007

Public Authority: Birmingham City Council
Address: Council House
Victoria Square
Birmingham
B1 1BB

Summary

The complainant requested information surrounding a working party set up to examine stakeholder relationships in relation to Woodgate Valley Country Park, including submissions to the working group and notes of the stakeholder meetings. The Council supplied some of the information requested, but refused to disclose certain information citing sections 21 (information accessible by other means), section 31 (law enforcement), section 36 (prejudice to effective conduct of public affairs) and section 40 (personal information). The Commissioner accepts that section 21 applies; also, section 40 has been applied correctly in part. However, the Commissioner does not accept the application of section 31 or section 36 and believes that section 40 should be applied to some information not identified as personal information by the Council. The Council also did not comply with section 17 and issued an unsatisfactory refusal notice. The Council is required to release the non-exempt information within 35 calendar days.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

The Request

2. On 22 October 2005, the complainant wrote to a Councillor requesting information under the Act. The request was passed to the appropriate officer who acknowledged the request in a letter dated 7 November 2005. The complainant had received an unrelated communication from the Council and asked for an appeal in a letter dated 4 November 2005. Following receipt of the complainant's letter, the Council wrote on 9 November 2005, to explain that the freedom of

information request had been received by the Council on 7 November 2005 and was being dealt with and that the communication the complainant had received was unrelated to the request. On 13 November 2005, the complainant wrote to the Council to clarify the request, specifically asking for the following information.

- *'...any background papers, reports, etc upon which the decision was made to set up the Working Group...'* [Short Life Members Working Party on Stakeholder Relationships – Woodgate Valley Country Park]
 - *'...relevant background papers, written reports etc upon which these recommendations [of the Short Life Members Working Party] were based and, if possible any legal or other written interpretation of the Trust's [Charitable Trust – Woodgate Valley Urban Farm Ltd] Aims and Objectives and Contract by the Council within this particular context which so far have not been made available...'*
 - *'...any background papers/reports/written opinions related to the Working Group which may be held on File by Environmental Services.'*
 - *'...a copy of the Job Description and Qualifications required for the post of Senior Animal Welfare Officer/BCC...'*
 - *'The information requested above relates to a timescale from beginning of June 2004 to end of October 2005.'*
3. On 23 November 2005, the Council wrote again to the complainant explaining that it required an extension to the twenty working day timescale in order to assess the public interest (as is permitted by section 10 of the Act). However, the Council failed to inform the complainant which exemption it believed applied to the information.
 4. The Complainant wrote on 1 December 2005, to ask which exemptions were being considered in relation to the public interest test and to get details of the Council's freedom of information panel undertaking the review of the public interest and details of the Council's internal review procedures.
 5. The Council replied to the complainant on 15 December 2005, enclosing the information requested on the Council's procedures in relation to its handling of freedom of information requests.
 6. The Council sought and received the opinion of the qualified person in relation to the exemption set out in section 36 of the Act, dated 21 December 2005.
 7. The complainant was sent a refusal notice also dated 21 December 2005. The Council supplied some of the information requested and explained that the remainder was to be withheld and that several exemptions had been applied. The refusal notice listed the exemptions under two headings, absolute exemptions and qualified exemptions.

Absolute exemptions

8. The Council stated that, **section 21**, information reasonably accessible by other means, applied 'in relation to Financial Statements and Accounts which can be obtained from the Charity Commission or Companies House'.
9. Next, it referred to **section 36** (Note: section 36 only provides an absolute exemption in relation to information held by the House of Commons or the House of Lords, see section 2(3)(e) of the Act). The refusal notice states, 'Section 36, where disclosure of information would prejudice the free and frank exchange of views for the purposes of deliberation, (relating to submissions given in confidence to the Short Life Working Group). [...], all submissions to the Short Life Working Group were treated as confidential and for solely the purposes of the deliberations of the working group. This was made in order to allow all parties involved, [...], the ability to make free and frank submissions to the Working Group without any fear of repercussions arising from the submissions. We have contacted all the authors of the submissions for permission to release their submissions, [...], and whilst some have consented to have their submissions released, the remainder have exercised their right to maintain the obligation of confidentiality given by the Short Life Working Group at the start of this exercise.'
10. The Council also refer to **section 40**, information which constitutes "personal data" (personal data relating to other individuals). 'We are prohibited by the Data Protection Act from disclosing personal data pertaining to persons other than yourself. It should be noted that there is a distinction between personal data and professional data, i.e. information pertaining to an individual's job.'
11. The final absolute exemption applied is **section 41**, information provided in confidence which would constitute an actionable breach of confidence if disclosed (relating to submissions made to the Short Life Working Group by parties external to Birmingham City Council). 'As you will note from the letters sent out by the Short Life Working Group, copies of which are included in the disclosed documents, the working group made it clear that their submissions were to be treated as confidential, and as such, we are unable to disclose the submissions without the consent of the relevant author. We have contacted the relevant parties concerned, and the submissions in the bundle disclosed have been released following the consent of the authors.'

Qualified exemptions

12. '**(S)ection 42**, legal professional privilege, legal advice, i.e. correspondence passing between an individual or organisation and their legal advisors, for the purposes of providing legal advice, is protected by legal privilege. Whilst, in extreme circumstances, e.g. criminal fraud, etc, will the public interest favour disclosure (sic), the Courts have confirmed that there is an extremely strong public interest in ensuring that correspondence passing between a client and their legal advisor remains confidential. On considering any possible grounds that you feel may justify disclosure of legal advice, I have been unable to find sufficient grounds to swing the public interest towards disclosure.'

13. Finally, the Council claimed **section 31**, law enforcement, prevention or detection of crime (in relation to Security Check information). No additional explanation was included. A fee for the information being provided was also requested.
14. The complainant sent the required fee on 2 January 2006 and the Council supplied the complainant with the disclosed information on 10 January 2006.
15. On 15 January 2006, the complainant wrote to the Council complaining about the length of time the Council had taken to supply the information, and to request an internal review of the decision to withhold some of the requested information.
16. The Council acknowledged the complaint (letter dated 18 January 2005 – sic) and explained that an appeals panel would be convened (letter dated 20 January 2006).
17. On 22 February 2006, the Council wrote to the complainant with an interim response to the appeal procedure. Initially, the complainant was informed that the law enforcement exemption (section 31) had been applied to daily inspections of the site by the Rangers and apologised for 'any distress this lack of clarity may have caused you and your family.'
18. In respect of the other complaints raised in the complainant's appeal letter, the Council responded as follows. The Panel were content that the Council had met their obligations regarding the time taken for the request process, but felt that communication with the applicant could have been better. It recommended changing the Council's template for the acknowledgement letter to include the date that the authority receives the request.
19. **Section 21** – The Panel felt that it was unclear as to what information this exemption had been applied to, and would reassess the application of this exemption once it had been supplied with the relevant documents.
20. **Section 36** – The Panel noted that the exemption was not absolute for local authorities and directed the Council to consider the public interest test.
21. **Section 40** – The Panel would reassess the application of this exemption once it had been supplied with the relevant documents.
22. **Section 41** – The Panel upheld the Council's application of this exemption.
23. **Section 42** – The Panel did not uphold this decision, explaining that it considered release of the information to be in the public interest and directed the Council to disclose the information to the complainant.
24. **Section 31** – The Panel did not uphold the decision to apply a '*general exclusion*' to this information and recommended the papers be reviewed for possible redaction.
25. The information that the Panel recommended be released to the complainant (that previously withheld under section 42) was supplied on 9 March 2006.

26. On 20 April 2006, the Council wrote to the complainant explaining the findings of the Appeal Panel regarding the outstanding issues.
27. **Section 21** – The complainant was told that ‘The papers concerned were published accounts as available through the Charities Commission and Companies House’, and that the panel had upheld the application of this exemption.
28. **Section 36** – The public interest test had been considered and the panel recommended that submissions from Council officers be disclosed but that the decision to withhold other submissions had been upheld. No explanation of the public interest test is offered to the complainant.
29. **Section 40 and 31** – the decision to withhold information under these exemptions had been upheld.
30. The Council wrote again to the complainant in a letter dated 2 May 2006 enclosing the information previously exempted under section 36 that the Panel had recommended for release. This letter also gave an explanation regarding the application of section 31, stating, ‘The information relates to the Daily Security Checks around Woodgate Valley Country Park outlining the days, times and areas where inspections are carried out including the recording of any incidents. The maintenance of security of the area is the reason for non-release of such documents into the public domain.’

The Investigation

Scope of the case

31. On 3 March 2006 the complainant contacted the Commissioner to complain about the way the request for information had been handled. Subsequently, the complainant wrote to the Commissioner again on 10 June 2007 following the conclusion of the internal review (after the Panel’s second sitting), to clarify the complaint. The complainant specifically asked the Commissioner to consider the following points:
32. The complainant questioned the authority’s application of section 41 to the submissions to the Short Life Members Working Party. The complainant pointed out that one of the submissions exempted was submitted by a Council employee. That there were no other parties external to Birmingham City Council and therefore, the complainant was concerned that the authority was withholding further information relevant to the request, not previously mentioned.
33. The complainant raised questions over the application of section 36, expressed concern over whose submissions were still being withheld and stressed that it was not understood why section 40 had been applied and what information was being withheld on that basis.

Chronology

34. On 1 August 2006, the Commissioner contacted the complainant to obtain a copy of the original request, as only the clarification letter had been supplied previously. The Commissioner also wrote to the Council requesting copies of the exempted information. He received a response from the complainant dated 2 August 2006. The Council telephoned on 17 August 2006 to clarify exactly what information the Commissioner wished to have sight of and agreed to supply that information by the end of the month.
35. On 23 August 2006, the Council provided the Commissioner with a file containing the relevant withheld information.
36. Following consideration of the submission, the Commissioner wrote again to the Council on 28 March 2007. In this letter, the Commissioner indicated that he was not convinced that the explanation provided to the complainant would have been sufficient to identify the documents exempted under section 21.
37. In respect of the application of section 31 to the security forms, the Commissioner is aware through the examination of internal documents sent by the Council, that the Council are claiming that 31(1)(g) applies (although this detail has not been communicated to the complainant). He reminded the Council that section 31(1)(g) refers to, the exercise by any public authority of its functions for any of the purposes specified in subsection (2) and asked the Council to state which part of subsection (2) it believes is relevant and to provide an explanation. The Commissioner also questioned the Council about the applicability of section 40 and if it had provided a redacted form. He also reminded the Council that section 31 is a qualified exemption and questioned the Council as to whether the public interest had been considered in relation to the application of this exemption.
38. Regarding section 36, the Commissioner requested that the Council provide copies of correspondence to verify for himself the claim of the Council that a promise of confidentiality had been made to the stakeholders of the working group. He also asked the Council why it believed that the confidentiality offered relating to the submissions extended to the notes of the meetings that subsequently took place.
39. The Commissioner questioned whether he had been provided with all the relevant correspondence, because it appeared as though the authority had neglected to explain the outcome of the public interest tests to the complainant.
40. The Commissioner required the Council to explain why one of the documents exempted under section 40 was considered relevant to the request. Further clarification was requested in relation to section 41 as it was unclear what information this exemption had been applied to, also a comprehensive list of submissions with the affiliations of those taking part clearly indicated.
41. The Council responded in a letter dated 3 May 2007. It provided what it described as relevant background information and further explanation of the exemptions.

42. The Council explained that it had a history with the complainant and stated, 'Therefore a great deal of information is already known to [the complainant] and as a result Birmingham City Council did not go into detailed explanation in terms of applying exemption Section 21...'
43. Regarding section 31, the Council stated, 'Birmingham City Council believes section 31g – the exercise of any public authority of its functions for any of the purposes specified in subsection (2) was relevant. 31a “the prevention or detection of crime” was automatically relevant due to the relevance of 31g. Birmingham City Council considers the recording of information was relevant under Section 2 subsection (b).'
- The Council claimed that the explanation given to the complainant in a letter dated 2 May 2006 satisfied its obligations to provide the complainant with an explanation of the application of the exemption and the public interest test. The relevant section of that letter is reproduced in its entirety as follows. 'The Review Panel have also recommended that an explanation is given in respect of the information withheld under Section 31 – Law Enforcement. The information withheld relates to the Daily Security Checks around Woodgate Valley Country Park outlining the days, times and areas where inspections are carried out including the recording of any incidents. The maintenance of security of the area is the reason for the non-release of such documents into the public domain.'
44. The Council provided copies of the letters originally sent to the participants of the Working Group to demonstrate that the offer of confidentiality had been made. The Council explained that, 'Meetings were also held with individual stakeholders to enable individuals to clarify any points made in their written submissions, and thus it would follow that discussions or comments relating to a confidential submission would also be confidential...' On examination, the letters sent to the stakeholders (dated 4 February 2005) asked that the response be sent in a sealed envelope marked private and confidential. The Commissioner notes that the author also states that it would greatly help if the submission could be factual, concise and to the point. The Council also provided the Commissioner with the reasons why some information was relevant to the request explaining that the documents had been provided to the Working Group as background information.
45. The Council also explained that section 41 had been applied to one submission made by a stakeholder in their personal capacity supplied in addition to their submission made in a professional capacity. Alerted to the freedom of information request by the Council's letters asking for permission to release the information, the stakeholder had exercised their right under section 10 of the Data Protection Act 1998 and the Council had destroyed this information in line with the stakeholder's wishes.
46. The Commissioner became concerned that the past history between the Council and the complainant had unduly influenced the handling of the freedom of information request. A freedom of information request is 'applicant blind'. This means that the applicant need not show an interest in the information requested, the applicant does not have to explain what they want the information for or what they intend to do with it. The information is not released to the applicant; it is

released to the public at the request of the applicant. For this reason, the identity of the applicant is irrelevant. The Commissioner was not convinced that the Council would have taken the same approach to this request if it had been made by any other individual. Therefore, he wrote to the Council on 15 May 2007 asking it to supply any comments or additional arguments that might satisfy the Commissioner that the Council's decisions would have been no different whoever had requested the information.

47. The Council responded in a letter dated 15 June 2007, restated its position and reiterated comments previously made in various communications with the complainant and the Commissioner.

Analysis

Summary of exempted information

48. For the sake of clarity, the information that has been exempted by the Council is listed here.
- Published accounts available through the Charities Commission and Companies House – exempted under section 21
 - Five Daily Security Check forms dated, 10 April 2005, 17 April 2005, 1 May 2005, 8 May 2005, 15 May 2005 – exempted under section 31 and section 40
 - Letter and attached incident report dated 21 March 2005 – exempted under section 36 and section 40
 - Incident report dated 18 March 2005 – exempted under section 36 and section 40
 - Letter dated 1 March 2005 – exempted under section 36
 - Extracts of the Working Group's Notes from Stakeholder meetings in respect of two of the participants – exempted under section 36
 - Letter dated 30 April 2003 detailing special conditions of service relating to the manager of the trekking centre – exempted under section 40

Procedural matters

49. Section 17 of the Act sets out the obligations placed on public authorities when refusing information requests. The relevant sections of the Act are reproduced in the Legal Annex to this Notice.
50. Section 17(1) states that if the public authority claims that an exemption applies, then within 20 working days, it must inform the applicant of that fact, specify the exemption, and state why the exemption applies. Section 17(2)(b) allows an authority to extend the response time if more time is required to consider the public interest test. That is, 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.

51. The Council wrote to the complainant on 23 November 2005 stating that it required more time to conduct the public interest test and that it would respond within a further 20 working days. The Council neglected to state which exemptions were being considered and why those exemptions applied, therefore breaching section 17(1). The complainant had to write to the Council asking for clarification of which exemptions were being considered (letter dated 1 December 2005), however even then, the Council refused to inform the complainant of the exemptions under consideration. The duty to inform the complainant which exemptions the authority believes are applicable is a statutory one, and an authority cannot claim an extension to the 20 working days in order to decide whether an exemption applies. The extension is only applicable for consideration of the public interest test.
52. The Council issued the refusal notice on 21 December 2005. In relation to section 36, the refusal notice does not explain the public interest test considerations. In fact, the refusal notice lists section 36 as an absolute exemption (one that does not require a public interest test – this is only the case for the House of Commons and House of Lords, see section 2(3)(e) of the Act). Therefore, at the time of issuing the refusal notice, not only did the Council not explain the public interest test to the applicant as is required, it had not even carried out the exercise of considering the public interest.
53. Regarding the other qualified exemptions that the Council claimed reliance upon, the explanation of the public interest test in relation to section 42 was extremely brief and, in the Commissioner's view, inadequate. For section 31, the public interest test was not mentioned at all.

Exemptions

Section 21

54. The Council should have considered its obligations under section 16 (advice and assistance) to inform the complainant exactly what information had been withheld under this exemption. Only by explaining exactly what information the exemption applies to, can a requestor be expected to obtain the information elsewhere. The Council relied upon its knowledge of the requestor's identity and assumed that the meagre explanation given would be sufficient for that individual to identify the information in question. However, the Commissioner does agree that the information section 21 was applied to, is readily available elsewhere and therefore, the exemption applies.

Section 31

55. The Council exempted security check forms under section 31(1)(g) for the purpose specified in section 31(2)(b), and also section 31(a). Section 31(g), 31(2)(b) states that information is exempt if its release would, or would be likely to, 'prejudice the exercise by any public authority of its functions for any of the purposes specified in subsection (2) – the purpose of ascertaining whether any person is responsible for any conduct which is improper.' No further explanation has been offered by the Council in relation to whose improper conduct the Council are attempting to identify, or to what improper conduct it is referring. The

only explanation given is that of previous incidents of vandalism by youths. The Commissioner does not believe that release of the security check forms would prejudice the Council's ability to ascertain whether any person has been responsible for vandalising areas of the park. Section 31(a) allows information to be exempt if its release would, or would be likely to, prejudice the prevention or detection of crime. The Commissioner has had sight of the information and does not accept that release of the security forms would prejudice the Council's ability to prevent or detect crime. It is the Council's duty to ensure patrolling and the security of its facilities and sites. The Council argue that if the forms are released, the public will know where council officers would be at certain times. However, the Commissioner notes that the times listed on the forms are not routine. There is no discernable pattern as to what time certain areas are checked and so the Commissioner cannot accept this reasoning. In addition, submissions already released in response to this request for information give details as to when the Urban Farm is locked up, and suggest that the fences are very low and a person could hop over them. The information contained within the security check forms therefore, is no more prejudicial than information the Council has already been content to release to the public. Therefore, as the Commissioner cannot identify any particular prejudice in relation to releasing the security forms, he concludes that the exemption does not apply. Consequently, there is no need for him to consider the public interest.

Section 40

56. The Commissioner would like to point out at this stage that the complainant previously submitted a subject access request under the Data Protection Act 1998 to the Council. The Commissioner has already made an assessment into the Council's handling of the subject access request (Commissioner's reference number: RFA0109274).
57. The Council applied section 40 to one part of one of the security check forms (dated 17 April 2005), claiming that it was personal information of a third party. The Commissioner agrees with this assessment, accepts that section 40 applies and agrees that this information is exempt. However, it is the opinion of the Commissioner that another of the security forms (dated 10 April 2005) contains personal data to which section 40 would apply. The Commissioner expects the redaction of these sections in their entirety, and that the Council should consider redaction of names that appear in the incident reports on the remaining forms.
58. Section 40 was also applied to a letter and attached incident report dated 21 March 2005 and 17 March 2005 respectively and a separate incident report dated 17 March 2005. The Commissioner accepts that section 40(2) and section 40(1) apply to this information and that it is therefore exempt from disclosure under the Freedom of Information Act. The Council also applied section 36 to this information. As the Commissioner is satisfied that section 40(2) and section 40(1) apply, and that section 40 is an absolute exemption, there is no need for him to consider the application of section 36 to these documents. Section 40(2) was also applied to a document detailing the special conditions of service relating to the manager of the trekking centre located in the park, which was supplied to the working group as background information. The Commissioner also accepts that

section 40(2) is applicable to this information and its content that it not be disclosed.

Section 41

59. As the information to which the Council applied section 41 is no longer held by the Council (see paragraph 45), the Commissioner has not evaluated the application of this exemption.

Section 36

60. The Council have claimed section 36 applies to two extracts of the notes of the meetings with stakeholders, and a letter dated 1 March 2005. The Council specifically claim section 36(2)(b)(ii), that information is exempt if in the reasonable opinion of a qualified person, disclosure of the information would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation.
61. When section 36 is applied, initially the Commissioner must verify that the decision was made by the qualified person. The Commissioner is satisfied that the decision was made by the qualified person, the monitoring officer, on 21 December 2005 (see paragraph 6).
62. It is then the duty of the Commissioner to assess whether the opinion of the qualified person was a reasonable one. In the case of *Guardian & Brooke v The Information Commissioner & the BBC* (EA/2006/0011 and EA 2006/0013) 08 January 2007, the Information Tribunal considered the sense in which the reasonable person's opinion under section 36 is required to be reasonable. It concluded that, "the opinion must be both reasonable in substance and reasonably arrived at." (Paragraph 64)
63. The Commissioner believes that the Council paid undue attention to the identity of the requestor, that the history between the requestor and the Council excessively influenced the decision-making process and that had the request been made by any other person, the Council would have likely dealt with the request differently.
64. The Commissioner disputes the relevance of the background information that has been provided by the Council to decision makers during the course of this request and the Commissioner's subsequent investigation.
65. The following examples are included here as being indicative of the Council's approach and mindset. It should be noted that this is not an exhaustive list. The Commissioner is unable to refer to many examples in this notice as to do so would itself result in the disclosure of exempt information.
66. When the Council wrote to the participants of the Short Life Members Working Party to inform them that a freedom of information request had been made and asking if they objected to their submissions being released, it specifically referred to a request from the complainant, naming the complainant in the letter.

67. The Council released some of the information requested to the complainant. Upon examination of this information, the Commissioner notes that the Council has released the personal information of other third parties without due consideration. The Commissioner believes that this is because of the Council considering releasing information to the applicant rather than releasing it to the public.
68. Having had sight of the section 36 certificate and taking into account the arguments made by the Council during his investigation, the Commissioner is persuaded that the Council have used section 36 as a catchall exemption as it was reluctant to use section 38. The Commissioner cannot accept the application of an exemption on the basis that it is the only one left that the Council felt able to rely upon.
69. Therefore, the Commissioner is satisfied that the qualified person's opinion was not reasonably arrived at due to the excessive influence placed on the identity of the requestor and the background information provided. The Commissioner is also satisfied that the opinion was not reasonable in substance as many of the arguments presented would not have been relevant if the Council had processed the request in a more objective manner. Therefore, the Commissioner cannot accept that section 36 is engaged. As the exemption is not engaged, there is no need for the Commissioner to consider the public interest.
70. However, the Commissioner view is that the letter dated 1 March 2005 contains the personal information of the requestor, therefore section 40(1) applies. As stated previously, the complainant made a subject access request which has already been assessed by the Commissioner. The Commissioner would expect the Council to redact the personal information of the complainant from this letter.

The Decision

71. The Commissioner's decision is that the public authority dealt with the following elements of the request in accordance with the requirements of the Act:
- section 21 – the information exempted is accessible to the applicant by other means
 - section 40 – in part, redacting the information of third parties, see paragraph 57

However, the Commissioner has also decided that the following elements of the request were not dealt with in accordance with the Act:

- section 17 – the authority issued an inadequate refusal notice, see paragraphs 50-52
- section 31 – the information was exempted inappropriately, see paragraph 54

- section 40 – in part, redactions are to be made to information previously withheld under section 31. Also, personal information released inappropriately
- section 36 – information withheld inappropriately, see paragraphs 59-65

Steps Required

72. The Commissioner requires the public authority to take the following steps to ensure compliance with the Act:

- The Council is required to release the information exempted under section 31, section 36 and section 40 (as indicated), subject to appropriate redactions as indicated.

73. The public authority must take the steps required by this notice within 35 calendar days of the date of this notice.

Failure to comply

74. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Right of Appeal

75. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email:

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

Dated the 19th day of November 2007

Signed

**Richard Thomas
Information Commissioner**

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**