

Freedom of Information Act 2000 (Section 50)
Environmental Information Regulations 2004 [For non-EIR cases delete this]

Decision Notice

Date:

Public Authority:

Address:

Complainant:

Address:

Summary

Summary here

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.

AND/OR

For EIR cases (delete if not applicable):

2. The Environmental Information Regulations (EIR) were made on 21 December 2004, pursuant to the EU Directive on Public Access to Environmental Information (Council Directive 2003/4/EC). Regulation 18 provides that the EIR shall be enforced by the Information Commissioner (the "Commissioner"). In effect, the enforcement provisions of Part 4 of the Freedom of Information Act 2000 (the "Act") are imported into the EIR.

Background

[This section is optional – see comments in How to guide].

The Request

[If the request was submitted to an executive agency of a public authority, as opposed to the public authority itself the following paragraph should be used at the beginning of the Request section in order to clarify this:]

3. The Commissioner notes that under the Act the [name of executive agency] is not a public authority itself, but is actually an executive agency of the [name of Government Department] which is responsible for the [name of the executive agency] and therefore, the public authority in this case is actually the [name of Government Department] not the [name of executive agency]. However, for the sake of clarity, this decision notice refers to the [name of executive agency] as if it were the public authority.]

This is the style for quotes

The Investigation

Scope of the case

4. On *date* the complainant contacted the Commissioner to complain about the way his/her request for information had been handled. The complainant specifically asked the Commissioner to consider the following points:
5. During the course of the Commissioner's investigation the following matters were resolved informally and therefore these are not addressed in this Notice:
6. The complainant also raised other issues that are not addressed in this Notice because they are not requirements of Part 1 of the Act.

Chronology

Findings of fact

[This section is optional – see the comments in How to guide]

Analysis

Substantive Procedural Matters

Exemptions

[For prejudice based exemptions the analysis needs to follow the 3 stage process set out in the revised version of LTT13]

[For considerations of the public interest test the following structure should be used:]

Public interest arguments in favour of disclosing the requested information

Public interest arguments in favour of maintaining the exemption

Balance of the public interest arguments

Procedural Requirements

The Decision

7. The Commissioner's decision is that the public authority dealt with the request for information in accordance with the Act.

OR

8. The Commissioner's decision is that the public authority did not deal with the request for information in accordance with the Act.

OR

9. 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:

- list here

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

- list breaches here
-

Steps Required

11. The Commissioner requires the public authority to take the following steps to ensure compliance with the Act:
 - list steps here
12. The public authority must take the steps required by this notice within 35 calendar days of the date of this notice.

OR

13. The Commissioner requires no steps to be taken.

Failure to comply

14. 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.

Other matters

15. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters of concern:

Right of Appeal

16. 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,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: informationtribunal@tribunals.gsi.gov.uk.

Website: www.informationtribunal.gov.uk

17. 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.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Dated the xx day of xx 2010

Signed

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

Reference:

Legal Annex
