

Decision notice template – How to Guide

Introduction

The decision notice (“DN”) template should always be used when drafting a DN. It has been formatted in a way that is easy to use and provides a concise account of the decision and the reasons for the decision.

The template opens from ICON in a read-only version. Use the ‘Save As’ function in the file menu to place a copy in the relevant folder on your personal drive, then add the document to the case in CMEH before you start drafting it, using the name “Decision notice”.

Styles in the template

The template uses predetermined styles to define each paragraph and how it looks. This means that there is no need to apply any formatting to the document – select a style for each paragraph and the formatting will happen automatically. The following styles are available:

Heading 1	The main title of the DN uses this style
Address	Date and party details
1. Numbered paragraph	Use this style for each paragraph that should be numbered. Numbering will be automatically applied. Every paragraph should be numbered
Section heading	Use for the headings of the main sections of the DN
Sub section heading	Use for headings within a section heading (optional)
Sub sub section heading	Use for headings within sub-sections (optional)
• Unordered list	All lists must be set to this style (eg Steps Ordered)

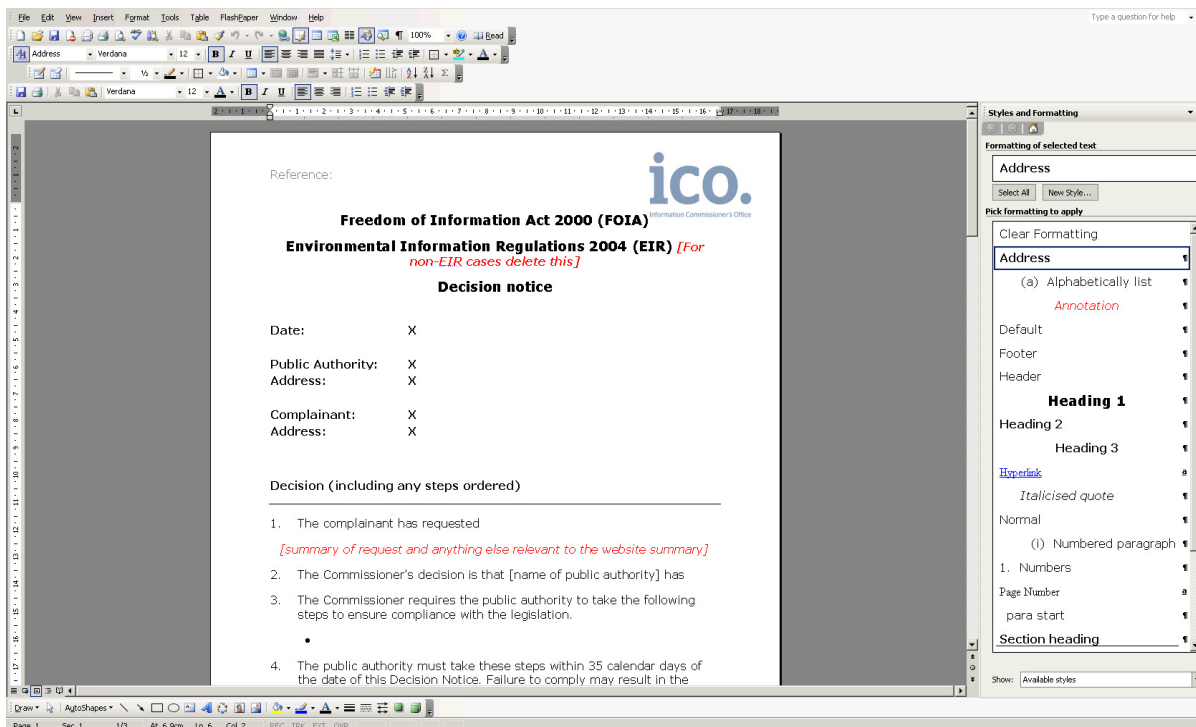
<i>Italicised quotes</i>	To be used for quotes
Tribunal address	First Tier Information Tribunal address in the Right of appeal section
Normal	ICO corporate style.
<i>Annotation</i>	this identifies parts of the template that are optional or for information only – these must be removed before publication
Header	includes the case reference number and the ICO logo
Footer	includes the page number
(a) Alphabetically list	Use for lists (optional)
(i) Numbered list	Use for lists (optional)

Using the styles in the template

The 'Styles and Formatting' to be used in the template can be found under 'Format' on the toolbar and will drop down as a useful side bar. Do not use the individual format buttons in the top toolbar, with the exception of bold for emphasis.

To access the styles and formats within the template:

- Go to the Format menu
- Select "Styles and formatting"
- The Styles and Formatting sidebar will then appear in a right hand pane in the Word document
- Click on the drop down box at the bottom of the pane labelled 'show', and select 'Available styles'
- All the formatting and styles for the template will then appear in the sidebar.



Altering the format

The template has been set up so that the template will automatically use the correct format for each section of the decision notice. For example, you do not need to manually add numbering for paragraphs; simply hit the enter key after the first paragraph and the next paragraph will appear. If you delete a paragraph from the document, it will automatically update the numbering.

Paragraph spacing is automatic – you only need to hit enter once to start a new paragraph.

If you wish to alter the style - for example from normal text to a sub-sub-heading - click anywhere in the paragraph and select the sub-sub-section heading from the styles and formatting sidebar. The text will then change to this style, with the correct format.

The formatting of possible sub paragraphs may be copied from the 'Other matters' section to other parts of the decision notice. Do not delete until completion of the first draft.

Names and Addresses

Names and addresses of public authorities and complainants should appear in bold type.

Terminology

The words 'decision notice', 'public authority' and 'complainant' should not be capitalised.

Complainants should be referred to as 'the complainant' or 'he' or 'she'.

Text spacing

Only one space should be used after full stops and commas.

Do not leave the last line or word of a paragraph appearing at the top of a page, with the remainder on the preceding page.

Do not leave the first line of a paragraph at the bottom of a page, with the remainder overleaf.

Ensure addresses are not split between pages (e.g. the Information Tribunal address).

Part 2

(To be reviewed as the process evolves.)

Heading and Addresses

At the head of the DN you will need to delete the 'Environmental Information Regulations 2004' text if the DN does not deal with environmental information.

The PA name and address - check that the officer at the PA you have been dealing with is based at the same offices as the head of the PA (not always the case, especially with central government departments). If the decision relates to an executive agency, the government department name and address should be used.

Then complete the complainant's name and address. Use the name and address from the original request unless the complainant has asked you not to. For older cases, or in ones where you have not heard from the complainant for several months, it would be worthwhile contacting the complainant in order to confirm their contact details.

For further details, see the [ICO Operating Policy](#) on avoiding inappropriate disclosures.

Decision (including any steps ordered)

The purpose of this section is to provide both the complainant and the public authority with an overview of what the Commissioner's actual decision is with regard to the complaint in question.

This should be brief, clear and easy to understand. This synopsis will be reproduced on the ICO website.

The steps required should be clear and specific in order to ensure that there is no confusion as to the action a public authority needs to take in order to comply with the DN. Caseworkers should also consider whether to use a schedule and/or confidential annex in line with the procedure set out [here](#) so that there is no confusion as to the nature of information which needs to be disclosed.

Request and response

This section covers the chronology of events prior to our intervention, from the date of the original request to the public authority and their response after the internal review.

This section should include, where relevant:

- The original request to the public authority, quoted in full and its date;
- The date of refusal notice and summary;
- Date and summary of response to internal review;
- Date of response to request and summary of what information was given or withheld.

If the complainant has submitted numerous and/or lengthy requests it may be impractical to include the full text of the request(s) in the main body of the DN itself. In such a scenario caseworkers should consider including the full text of the request(s) in an annex appended to the DN.

Do **not** include any details of your action in this section unless there was ICO involvement, eg chasing the PA to complete an internal review.

Scope of the case

This is a summary of the key points of the investigation i.e. what were the issues that the caseworker set out to investigate and what were the issues which the caseworker chose not to investigate, and if not clear, an explanation of why these decisions were made. If the scope of the case changed during the course of the investigation, eg if the PA disclosed some information, this should be noted in the Scope section.

If an Information Notice was issued this should be recorded here.

Reasons for decision

This section should set out the Commissioner's decision in light of the findings and analysis made in the case. The three basic possibilities here are:

- The PA dealt with the request in accordance with the Act;
- The PA failed to deal with the request in accordance with the Act; and,

- The PA dealt with some elements of the request in accordance with the Act but failed to deal with other aspects in accordance with the Act.

Other matters

This section is an opportunity to raise issues in the DN which may not constitute a breach of the Act but which deserve recognition. Generally these will be criticisms of a public authority although occasionally they will be recognition for a job well done.

For example, an internal review which took a public authority more than 20 working days to complete may well warrant a mention, or a public authority which has dealt with a complex set of requests particularly well may deserve recognition.

Caseworkers should liaise with Enforcement over the wording of the this section if it covers issues falling within their remit, i.e. issues covered by the section 45 and 46 Codes of Practice.

Caseworkers do not need to wait until the DN is drafted to consult Enforcement; they can be contacted as the case is being investigated.

Right of Appeal

This section starts on a new page and details how either party may appeal the decision to the Information Tribunal.