

Authority:

Information Commissioner

Country/State:

United Kingdom

Case title:

Tribunal Upholds Commissioner's Power to Issue Information Notices

Official citation:

Tribunal Decision, 2024

Date of decision:

2024

Relevant law:

Freedom of Information Act (UK), Environmental Information Regulations (EIR)
– powers of the Information Commissioner

Decision:

The Tribunal dismissed the appeals by public authorities against Information Notices issued by the Commissioner, confirming that the Commissioner is entitled to require access to withheld information to determine cases before him.

Key words:

Right to Information, Information Notice, powers of the Commissioner, tribunal judgment, access to withheld information

Case Summary**1. Facts**

The Commissioner issued Information Notices to public authorities requiring disclosure of information that had been withheld from requesters, including data concerning declarations of interest by the former Prime Minister under the Ministerial Code.

The public authorities challenged the Notices, arguing that the Commissioner was not entitled to demand access to the withheld information.

2. Decision

The Tribunal held that it would have been impossible for the Commissioner to determine the cases without examining the withheld information. Accordingly, the public authorities' appeals against the Information Notices were dismissed, confirming the Commissioner's statutory powers to require disclosure from public authorities.

Note (Optional):

This case reinforces the principle that the Commissioner must have access to

all relevant information, even if withheld from the public, to properly exercise oversight and enforce the right to information.

Resource:

[Appeal against Information Notices – The Cabinet Office v ICO and the Good Law Project](#)