

**First-tier Tribunal (Information Rights)**  
**Guide to completing the Notice of Appeal Form**



**HM Courts  
& Tribunals  
Service**

Please read these notes carefully before completing the Notice of Appeal form to the First-tier Tribunal (Information Rights).

The Notice of Appeal form can be downloaded from our website at:  
<http://www.justice.gov.uk/global/forms/hmcts/tribunals/information-rights/index.htm>

If the form is completed by hand, please use block capitals and black ink. The writing should be clear and legible. The form can also be typed.

### **1. About the Information Commissioner's notice**

The Tribunal needs you to provide information about the Commissioner's notice to which your appeal relates. Please provide the reference number, which will be found at the top of the first page of the notice, the date of the notice, and the date you received it. Also attach a full copy of the notice and indicate you have done so by ticking the box.

### **2. Disputed Notice**

You can only appeal against a notice issued by the Information Commissioner, such as a Decision Notice under the Freedom of Information Act 2000.

Please indicate the Act under which you are appealing by ticking the appropriate box.

If you are unsure about this, please leave this section blank and provide as much detail as possible about your appeal in the Grounds of Appeal section of the form.

You should also give the name and address of the other side to the dispute, either the public authority or the requester/complainant.

You should attach a copy of the original request for information in FOIA cases and a copy of the Information Commissioner's notice you are appealing against, and tick the box provided to indicate that they are attached to your Notice of Appeal.

## **First-tier Tribunal (Information Rights)** **Guide to completing the Notice of Appeal Form**

For all notice of appeals under section 28 DPA and section 60 FOIA, please include a copy of the disputed certification and continue to complete the form. The appeal will automatically be transferred to be heard in the Administrative Appeals Chamber of the Upper Tribunal.

### **3. Out of Time Appeals**

You must complete the Notice of Appeal form and send it to reach the Tribunal within **28 days** of the Commissioner's Decision Notice being **sent** to you.

The Tribunal will only consider acceptance of a late Notice of Appeal if you request an extension of time and give reason(s) why the notice is out of time. If you want the Tribunal to consider an out of time Notice of Appeal, tick the box and explain why the Notice has been sent to the Tribunal after the 28 days allowed to appeal and the reasons why the Tribunal should accept a late application.

Please note you can apply to the FTT (IR) for an extension of time under rule 5(3) (a) even before lodging a formal appeal: see Ruling in Prof Sikka v Information Commissioner dated 9 April 2010. For a copy of this ruling, follow this web address:

[http://www.informationtribunal.gov.uk/DBFiles/Decision/i386/Prof%20Sikka%20v%20IC%20Ruling%200410%209.4.10\\_\(w\).pdf](http://www.informationtribunal.gov.uk/DBFiles/Decision/i386/Prof%20Sikka%20v%20IC%20Ruling%200410%209.4.10_(w).pdf)

Such applications should not only provide good reasons for the delay but also propose a reasonable date by which the applicant can lodge the appeal with minimum further delay.

### **4. Appellant's Details**

Please provide your full name, address and contact details where notices and other documents can be sent to you. Please **do not** use a Post Office Box (PO Box) number. If your contact details change, it is your responsibility to inform the Tribunal as soon as possible.

Please indicate the method of communication you would prefer the Tribunal to use when communicating with you. The Tribunal will try to accommodate this but there may be occasions when it may be necessary or appropriate to use other methods.

Please also indicate if you are prepared to receive notices and other documents by e-mail.

## First-tier Tribunal (Information Rights)

### Guide to completing the Notice of Appeal Form

#### 5. Representative's Details

You are not required to have a legal representative. If you have a legal or other representative please complete this section. If you do not have a representative, please tick 'no' and leave the rest of this section blank.

#### 6. Grounds of Appeal

Please explain clearly why you dispute the Information Commissioner's notice. **Please note:** your Grounds of Appeal should explain, in detail, which parts of the IC's Decision Notice you disagree with and why; (not the actions or decisions of a public authority or any other party). This is an extremely important part of your application and your grounds should show why you consider the Commissioner's notice or parts of it are wrong. Please do not hesitate to use additional sheets if necessary.

You should note that the First-tier Tribunal only hears appeals from decisions / notices from the Information Commissioner.

It is unnecessary to go to a large amount of trouble to prepare for the appeal at this stage. It is better to lodge the appeal in time and seek guidance from a judge as to what further evidence or documentation is required.

#### 7. Supporting Documents

Please tick the box if you are providing documents and then in the space provided, list the documents you wish the Tribunal to consider in support of your appeal. Copies of these documents should be sent to the Tribunal with the Notice of Appeal. You should carefully review any documents being sent with the notice to ensure they are relevant. **Please note:** it is ***your*** responsibility to indicate to the Tribunal if your appeal documents contain **sensitive, personal and/or confidential information**. You may find it easier to keep such documents separate from the rest of your papers. You should also tell the Tribunal who you believe should be exempt from seeing this information.

The final decision of the Tribunal Judge will be published on the [justice.gov.uk](https://www.justice.gov.uk) website.

#### 8. Type of Hearing and Venue

The Tribunal can hold a hearing or consider an appeal on the papers only; i.e. on the basis of the documents submitted without any oral evidence.

Please indicate which type of hearing you prefer by ticking the appropriate box. If you later change your mind about your preference, you can notify the Tribunal.

## **First-tier Tribunal (Information Rights)**

### **Guide to completing the Notice of Appeal Form**

The other parties in an appeal can also express a preference. If **all parties agree** the Tribunal can consider the appeal on the papers provided. If **all parties** do not agree, there will be a hearing.

Hearings will usually take place in London unless you or another party requests a different venue. Please indicate your preferred location on the Notice of Appeal form. The Tribunal will try to accommodate such requests but may not always be able to do so. You will be informed in writing when a hearing date and venue have been fixed.

#### **9. About your requirements**

If you, your representative or witness has a disability, or any other special needs, please explain any arrangements that may be required if there is to be a hearing.

Please also indicate if an interpreter will be required and if so, for which language.

#### **10. Signature**

You or your representative should sign and date the form indicating in which capacity you are signing and printing your name. You should then send the form to the address indicated at the bottom of the form either by way of post or email.

For further information on how to complete the Notice of Appeal form contact:

**TEL:** +44 (0)300 123 4504

**E-MAIL:** [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)