



EAST DEVON DISTRICT COUNCIL

And

INFORMATION COMMISSIONER

And

JEREMY WOODWARD

Open Directions in relation to further Closed documents

The Tribunal's decision of 5 May 2015 (EA/2014/0072) did not allow the appeal of East Devon District Council. At that stage the Tribunal was unable to be explicit as to its decision in its Closed annex in relation to the 6 pages comprising Appendix B within each of the Project Reports for reasons specified in its decision. Hence the release in redacted form, or otherwise, of those pages is deferred in order;

1. to enable the Appellant, "the Council", to produce proposed redactions and submissions in relation to those remaining [6] pages following the principles outlined in the Tribunals Closed Annex
2. that those pages marked with the proposed redactions should be circulated to the First Respondent, "the Commissioner" and the Tribunal as a Closed submission i.e. not to Mr Woodward for consideration
3. that the Council and the Commissioner can make submissions as to the principles governing the redaction in those pages
4. the Tribunal may then decide having considered those representations and promulgate its final decision concerning the release of those 6 pages

The Appendix B material is that from Project Reports to include those in the Closed bundle filed 3 March 2015 together with any additional ones identified in the clarification referred para 28 of the Decision of 5 May 2015.

In order to proceed, in a manner which is fair to all concerned, the Tribunal directs:

- (1) The Council shall no later than 4pm on 14 May 2015 lodge with the Tribunal and provide to the Commissioner closed documents which comprise:
 - (a) a copy of each of the [6] Project Report Appendix B pages with
 - (i) the "provisional" "redactions clearly indicated in accordance with the principles outlined in the Closed Annex which the Tribunal have determined should be made.
 - (ii) Other redactions, if any, they would wish to propose in relation to those [6] pages solely on the grounds of EIR 12(5)(e)

- (b) any evidence upon which they rely in support of
 - (i) challenging the principles the Tribunal have outlined
 - (ii) for the redactions in addition (ii) above to those provided by for by the Tribunal in their principles as outlined in Closed Annex
- (2) within 14 days of compliance with paragraph (1) by the Council, the Commissioner must lodge with the Tribunal and copy to the Council a Closed response identifying
 - (a) its response to the Tribunal's principles as outlined in Closed Annex
 - (b) such of the "provisional" redactions suggested by the Council under para 1(i) and (ii) above as he contests; and
 - (c) the arguments in support of those challenges.
- (3) Within 7 days of compliance with paragraph (2) by the Commissioner the Council must lodge with the Tribunal and copy to the Commissioner any Closed submissions on the documents provided by the Commissioner in (2)
- (4) If prior to 4pm on 2 June 2015 [date for Appeal fixed relative to the date of Decision] the Tribunal receives an application by the Council, the Commissioner or Mr Woodward for permission to appeal as regards the 5 May 2015 decision, then the operation of paragraphs (1) to (3) above is suspended until further order.

Brian Kennedy QC

5 May 2015.