First-tier Tribunal
(General Regulatory Chamber)
Information Rights

Appeal Reference: EA/2018/0262V

Heard remotely (by CVP)
On 12 May 2021

JUDGE ANTHONY SNELSON
MRS ANNE CHAFER
MR PAUL TAYLOR

Between

EMMANUEL FREUDENTHAL

Appellant

and

THE INFORMATION COMMISSIONER

First Respondent

and

PUBLIC HEALTH ENGLAND

Second Respondent

DECISION

On hearing Ms Rachel Spearing, counsel, on behalf of the Appellant and Mr Aidan Eardley, counsel, on behalf of the Second Respondent, the unanimous decision of the Tribunal is that:

(1) The appeal is allowed and the First Respondent's determination that the Second Respondent did not hold information within the scope of the requests to which the appeal relates ('the relevant requests') is set aside.

(2) A substituted decision notice is issued in place of that of the First Respondent, in the following terms:

  (i) The Second Respondent breached FOIA, s1(1)(a) with regard to (*inter alia*) requests 13 and 18.

(ii) The Second Respondent breached FOIA, s10(1) with regard to (*inter alia*) requests 13 and 18.

(iii) The Second Respondent did not and does not hold information within the scope of the relevant requests other than that contained in the 26 documents which, subject to redactions, it has disclosed.

(iv) Save to the extent that it has redacted the copy email of 4 June 2015 timed at 10:28 ('the 4 June 2015 email') by blocking out a figure in the penultimate line (pAS75 in the attachment to the open witness statement of Alex Sienkiewicz), the Second Respondent has properly applied FOIA, ss 24, 38, 40 and 43 in redacting the 26 documents referred to in para (iii) above in that (a) the exemptions relied upon are engaged and (b) where applicable, the public interest in maintaining the exemptions outweighs the public interest in disclosure.

(v) In the case of the 4 June 2015 email, the exemption relied upon (under FOIA, s43) is not engaged and in any event the public interest in disclosure outweighs any public interest in maintaining the exemption.

(vi) Accordingly, the Second Respondent is required within 28 days of the date of promulgation of this Decision, to disclose a copy of the 4 June 2015 email without the redaction referred to in para (iv) above.

(vii) Save as directed in para (vi) above, no party is required to take any step.

REASONS

Introduction

1. The Appellant, Mr Emmanuel Freudenthal, is an investigative journalist.

2. The Second Respondent, Public Health England ('PHE'), is an executive agency of the Department of Health and Social Care and describes itself as an expert national public health agency charged with furthering the Secretary of State's function of promoting the health and well-being of the nation. It operates in many areas, nationally and internationally.

3. On 24 August 2017 Mr Freudenthal submitted a series of eight requests for information, pursuant to the Freedom of Information Act 2000 ('FOIA'). These requests in due course became the subject of a decision notice of the Commissioner under ref. FS50713226.

4. On 25 September 2017 Mr Freudenthal submitted a series of 12 further requests for information to PHE. Since they were linked to the prior request, they were numbered 9-20. They became the subject of decision notice FS50715751.

5. All requests were concerned with the role of PHE in responding to the Ebola virus crisis in West Africa in 2014-15.

6. Two particular requests made on 25 September 2017 are the subject of the proceedings before us. These are:

> **13. What were the companies contracted to ship, store and/or transport the [blood] samples? Please send all the contracts with the companies contracted to transport, store and/or transport Ebola samples.**
>
> **18. How were the samples transported from the affected countries to the UK? Please send us the contracts/agreements between PHE and the transport companies.**

7. PHE's initial response to the September 2017 requests was described by the Commissioner as "ambiguous" (decision notice in FS50715751 (hereafter, 'the DN'), para 27). In a later document, dated 14 January 2019, she observed that it contained obvious contradictions.

8. Following an internal review, PHE adjusted its position, stating that it did not hold information within the scope of "most of the request" and that some of the information which it held was the property of the government of Sierra Leone, whose permission it did not have to disclose it.

9. Mr Freudenthal complained to the Commissioner about the way in which his request for information had been handled. An investigation followed. Throughout, PHE maintained that it did not hold information within the scope of various requests, including nos. 13 and 18. In correspondence, however, it also stated, "We can confirm that materials were transported to England in accordance with the relevant standards". The remarkable, not to say lamentable, story of the investigation is summarised in the DN. We think it right to place on the record the following extracts.

> **183. … the Commissioner is concerned about the internal review response PHE provided in the current case, which she considers to have been inadequate.**
>
> **184. First, contrary to what it had stated in its review, in its response PHE had not stated that it holds some of the requested information and detailed what data items are held. It had first stated that it holds some information (without specifying what) and then stated that … it does not hold the majority of the requested information (again, without linking this statement to specific requests).**
>
> **185. Second, in its review, PHE seems to have suggested that it had invoked section 40(2) in its response to the complainant. In fact it had not referred to section 40(2) in its response and PHE's reliance on this exemption emerged in the internal review.**
>
> **186. Third, PHE confirmed that it was satisfied with its application of "the exemptions" by which the Commissioner understands PHE to have meant section 40(2) and 24(1). The complainant had queried PHE's application of section 24(1) - as it appeared to him - to all his requests. However, PHE provided no further explanation as to its reliance on this exemption; did not identify to which specific requests it had applied this exemption and, again, did not provide any public interest arguments associated with section 24(1).**

187. As with FS50713226 the review response … gives the impression that it had not given any of the requests the re-consideration that each warranted. … PHE had clearly not fully addressed the complainant's requests.

188. The Commissioner had requested separate submissions from PHE for this complaint and for FS50713226. …

189. PHE finally provided one submission on 25 May 2018, the focus of which appears to be FS50713226 although both reference numbers were given … This necessitated the Commissioner requiring clarification … PHE provided this further submission on 12 June 2018. This means that PHE had effectively had 45 working days in which to prepare a thorough and well-argued submission. …

190. From the submission PHE provided to the Commissioner on 12 June 2018, it appeared that PHE's position was that it does not hold the information the complainant has requested and it did not hold the information because it was holding it on behalf of another person … The Commissioner had sent PHE a series of questions on 9 April 2018 that would help her determine if PHE held the information, and held it on its own behalf, and she had directed PHE to her appropriate published guidance.

…

192. In its 12 June 2018 submission PHE simply stated that it does not hold information within the scope of these requests without addressing the relevant guidance for providing any explanation on how it had reached this conclusion.

193. It was therefore necessary for the Commissioner to go back to PHE for a third time as PHE had simply asserted that it did not hold particular information without providing supporting explanations. The Commissioner asked PHE again to explain … The Commissioner again did not receive a satisfactory submission in response and remained dissatisfied following a telephone discussion with PHE on 22 June 2018.

194. As with FS50713226, PHE had given the Commissioner the impression that it had not considered each request individually or carefully; that it had an interpretation of some of the requests that was not correct, and that it had not carried out adequate searches for any relevant information - despite having had more than three months to do so by this point. The Commissioner therefore went back to PHE again and required it to re-consider particular requests in the light of her discussion with it and carry out appropriate searches.

195. The Commissioner again did not receive a satisfactory response from PHE and so it was that the Information Notice became necessary.

196. When the Commissioner first writes to a public authority at the start of her investigation, she asks the authority a series of relevant questions, considered answers to which should provide her, in most cases with all the information she needs to come to a decision. Submissions should be provided to the Commissioner by the required deadline. In this case, the Commissioner first wrote to PHE on 9 April 2018. In the subsequent six months, the Commissioner has had to go back to PHE for clarification or further explanation on multiple occasions. PHE was still identifying relevant information that it holds in October 2018. It should have identified this information at the point it responded to the complainant's request on 20 October 2017 or following its internal review in November 2017.

197. The Commissioner notes that PHE has offered no explanation as to why, having been adamant it did not hold any information within the scope of most of the

complainant's requests in this case and FS50713226, it has subsequently identified a not insignificant amount of relevant information.

198. PHE should be aware that the Commissioner is unlikely to demonstrate the same level of patience in any future investigation and, in future cases, she is prepared to make her decision based on the first submission she receives from PHE.

…

200. The [Information Notice ('IN')] … served on PHE required it to consider all the requests again; to confirm if it held relevant information; to confirm what, if any, exemption it was withholding information under and to provide justification for relying on that exemption including public interest arguments. As is usual, the Commissioner gave PHE 30 calendar days to provide its response … PHE requested a further seven days. PHE therefore had 37 days in which to prepare a thorough and well-considered response to the IN.

201. The IN response … was, again, inadequate. It was necessary for the Commissioner to go back to PHE for further explanation a number of times and PHE was still identifying relevant information that it holds at 6 October 2018. On this occasion, given the very significant delays that PHE had caused during the course of the investigation, the Commissioner's priority was to ensure the complainant received any relevant information PHE holds, as soon as possible.

202. It is not normally necessary to serve an IN on a public authority and the Commissioner would not expect to have to serve another on PHE in the course of any future investigations. However, if such a course of action is necessary and if PHE again does not comply with the IN, the Commissioner will be prepared more readily to deal with the matter as a contempt of court.

In her DN in FS50713226 the Commissioner made similarly forthright comments about PHE's handling of Mr Freudenthal's requests of 24 August 2017. We do not think it necessary to quote from those.

10. By her DN in FS50715751, which was dated 24 October 2018, the Commissioner stated that she was "prepared to accept" that PHE did not hold information within the scope of the two relevant requests. She did, however, find PHE in breach of ss1(1)(a) (failure to make it clear that no relevant information was held) and 10(1) (failure to comply with s1(1) within the prescribed timescale of 20 working days).

11. By a notice of appeal dated 22 November 2018, Mr Freudenthal appealed to the Tribunal.

12. By her response to the appeal, the Commissioner contended that, upon further scrutiny of the file and the evidence provided by PHE, it appeared that more information was held than had been disclosed and that PHE should be joined as a party to the appeal in order to ensure that all relevant material was before the Tribunal. PHE was duly joined as Second Respondent.

13. In the long and laborious process which followed, PHE conducted yet more internal investigations and searches, which resulted in them identifying

numerous documents within the scope of the requests. They also cited fresh exemptions under s38 (health and safety) and s43 (commercial interests).

14. In the course of case management it was established that the dispute was limited to requests 13 and 18 and that PHE had identified and disclosed, subject to redactions, 26 documents admitted to be within the scope of those requests.

15. The appeal came before us in the form of a 'remote' appearing, conducted by CVP. Mr Freudenthal was represented by Ms Spearing and PHE by Mr Eardley, both counsel. The Commissioner was not represented. We had voluminous bundles of documents, open and closed, and witness statements in the names of Mr Freudenthal and, on behalf of PHE, Mr Alex Sienkiewicz, Director of Corporate Affairs.[1] In addition, we had the benefit of skeleton arguments from both counsel. Both witnesses gave evidence and were briefly cross-examined.

The Statutory Framework

The freedom of information legislation

16. FOIA, s1 includes:

> **(1) Any person making a request for information to a public authority is entitled–**
>
> **(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and**
> **(b) if that is the case, to have that information communicated to him.**

'Information' means information "recorded in any form" (s84).

17. Any question as to whether requested information is 'held' is to be decided on a balance of probabilities (*Bromley v Information Commissioner and Environment Agency* EA/2006/0072).

18. By FOIA, s24(1) it is provided, so far as material, that information is exempt if exemption from s1(1)(b) is "required for the purpose of safeguarding national security". It is noteworthy that engagement of this exemption depends on there being a need to protect information for a specified purpose. In this, it is to be contrasted with the 'prejudice-based' exemptions under (among others) ss38 and 43, the application of which turns upon the Tribunal's assessment of the degree of risk of disclosure resulting in harm of a relevant kind. Citing copious authority, *Coppel on Information Rights*, 5th ed (2020), at para 26–053 remarks:

> **… the executive's assessment of whether exemption … is required for the purpose of safeguarding national security will not generally be gainsaid.**

[1] He produced two witness statements, one open one closed.

19. By s38(1) information is exempt if its disclosure under FOIA "would, or would be likely to, endanger (a) the physical or mental health of any individual, or (b) endanger the safety of any individual."

20. By s43(2), information is exempt if its disclosure under FOIA "would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it)."

21. We agree with Mr Eardley that the words 'endanger' and 'prejudice' in these two provisions do not connote materially different tests.

22. In assessing (for the purposes of ss38 and 43) prejudice and/or the risk of prejudice, we direct ourselves in accordance with the decision of the FTT in *Hogan and Oxford City Council v ICO* (EA/2005/0026), which proposes three questions. First, what interest (if any) is within the scope of the exemption? Second, would or might prejudice in the form of a risk of harm to such interest(s) that was "real, actual or of substance" be caused by the disclosure sought? Third, would such prejudice be "likely" to result from the disclosure in the sense that it "might very well happen", even if the risk falls short of being more probable than not? (*Hogan* is, of course, not binding on us but it draws directly on high authority[2] and has been specifically approved by the Court of Appeal: see *Department of Work and Pensions v IC* [2017] 1WLR 1.)

23. If a qualified exemption, such as any under ss24, 38 or 43, is shown to apply, determination of the disclosure request will turn on the public interest test under s2(1)(b), namely whether, "in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in maintaining the exemption". The proper approach, as explained by the Upper Tribunal in *APPGER v IC* [2013] UKUT 560 (para 149) is:

> **… to identify the actual harm or prejudice that the proposed disclosure would (or would be likely to or may) cause and the actual benefits its disclosure would (or would be likely to or may) confer or promote. This … requires an appropriately detailed identification, proof, explanation and examination of both (a) the harm or prejudice, and (b) benefits that the proposed disclosure would (or would be likely to or may) cause or promote.**

In the particular context of national security (s24), the FTT and UT have repeatedly stated that, while the exemption is not absolute, the public interest in maintaining it is likely to be very substantial (see *eg Transport for London v IC* [2013] UKFTT EA/2012/0127 and *Keane v IC* [2016] UKUT 461 (AAC)).

24. By s40[3], it is provided, so far as material, as follows:

[2] In particular, on the meaning of "likely", the judgment of Munby J in *R (on the application of Lord) v Secretary of State for the Home Office* [2003] EWHC 2073 (Admin).
[3] As it stood before the 2018 amendments (see below)

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if –

(a) it constitutes personal data which do not fall within subsection (1); and
(b) either the first or the second condition below is satisfied.

(3) The first condition is –

(a) in a case where the information falls within any of the paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene –
(i) any of the data protection principles …

…

(7) In this section –

"the data protection principles" means the principles set out in Part I of Schedule 1 to the Data Protection Act 1998 … ;

The exemptions under s40 are unqualified under FOIA and the familiar public interest test has no application. Rather, the reach of the exemptions is, in some circumstances, limited by the data protection regime. But the starting-point is that data protection holds pride of place over information rights. In *Common Services Agency v Scottish Information Commissioner* [2008] 1 WLR 1550 HL, Lord Hope reviewed the legislation, including the Council Directive on which DPA 1998 is founded. At para 7 he commented:

> **In my opinion there is no presumption in favour of release of personal data under the general obligation that FOISA[4] lays out. The references which that Act makes to provisions of DPA 1998 must be understood in the light of the legislative purpose of that Act, which was to implement Council Directive 95/46/EC. The guiding principle is the protection of the fundamental rights and freedoms of persons, and in particular their right to privacy with respect to the processing of personal data …**

The data protection legislation

25. The data protection regime in force before the commencement of the Data Protection Act 2018 ('DPA 2018') and the implementation of the General Data Protection Regulation (25 May 2018) applies to this case (see DPA 2018, Sch 20, para 52). That regime is founded on the Data Protection Act 1998 ('DPA 1998').

26. The data protection principles are set out in Part 1 of Schedule 1 to DPA 1998. The first is relied upon by the Commissioner. So far as material, it is in these terms:

[4] The proceedings were brought under the Freedom of Information (Scotland) Act 2000, but its material provisions do not differ from those of FOIA.

(a) Personal data shall be processed fairly and lawfully …

It is very well established that disclosure of the identities of persons who hold relatively junior roles which are not public-facing will generally amount to unfair processing of their personal data. Such persons will ordinarily have a reasonable expectation of privacy.

The Tribunal's powers

27. The appeal is brought pursuant to the FOIA, s57. The Tribunal's powers in determining the appeal are delineated in s58 as follows:

> **(1) If on an appeal under section 57 the Tribunal consider –**
>
> **(a) that the notice against which the appeal is brought is not in accordance with the law; or**
> **(b) to the extent that the notice involved an exercise of discretion by the Commissioner, that he ought to have exercised his discretion differently,**
>
> **the Tribunal shall allow the appeal or substitute such other notice as could have been served by the Commissioner, and in any other case the tribunal shall dismiss the appeal.**
>
> **(2) On such an appeal, the Tribunal may review any finding of fact on which the notice in question was based.**

Analysis and Conclusions

28. It was common ground that the appeal must be allowed because the Commissioner's decision was not in accordance with the law, in that it wrongly stated that the requested information was not held.

29. It was also not in dispute that the Tribunal should substitute a decision that all information within the scope of the requests had been disclosed. That is, in our view, plainly right. (If Ms Spearing did not go quite so far as to make a formal concession here, she very fairly accepted that there was no evidential basis on which we could find that any relevant material had been withheld, or that the searches ultimately carried out were less than adequate.)

30. Turning to the subject of the redactions, we have considered the 26 disputed documents as redacted in the open bundle and in their original form in the closed bundle, in which the redactions (not, of course, obscuring the text) are colour-coded to identify the ground(s) relied upon in each instance. We have performed our task with care but also with an eye to the principle of proportionality at the heart of the 'overriding objective'. We have had regard to the detailed explanations for the redactions in Mr Sienkiewicz's evidence (mostly supplied in his open witness statement). We are mindful that Ms Spearing did not raise any significant challenge to this part of his evidence and did not direct us to any particular document or group of documents as meriting

special study. There was also the simple fact that, with no objection from any quarter, the case had been listed for a one-day hearing (albeit with time for pre-reading also allowed.) Accordingly, we have reviewed the disputed documents and considered individual redactions, but we have not subjected them to a line-by-line scrutiny.

31. It is convenient to take first the national security and health and safety exemptions. These are cited as the basis for redaction of all information identifying, or tending to identify, the location within the United Kingdom to which the blood samples were transported and all personnel involved in the transportation and subsequent storage of those samples. We entirely agree that both exemptions are, to the extent stated, engaged. It is not in dispute that Ebola is an exceedingly dangerous pathogen which, in the wrong hands, could cause untold harm and suffering on a very large scale. The risk of a 'bio-terrorist' attack cannot be dismissed as fanciful. Publication of information about the location of the site to which the samples were taken might well increase the risk of such an attack being attempted. Likewise, information containing, or tending to disclose, the identities of persons involved in transportation and/or storage of the samples would, if made public, make such individuals vulnerable to malign actors and increase the risk of them being targeted for the purposes of extracting further relevant information. In the circumstances, we have no doubt that protection of this information is required for the purposes of safeguarding national security. And we are equally clear that its release would endanger, or be likely to endanger the health and safety of those involved in transportation and/or storage of the samples and (to the extent that a risk of a 'bio-terrorist' attack was increased), the community at large.

32. We are also satisfied that the redactions made by PHE were and are necessary in order to give effect to the objectives underlying the exemptions. It is, for example, obviously necessary to withhold information about the airport at which the samples were landed, routes taken within the United Kingdom, journey times and so forth. Release of such details would plainly give rise to a severe risk of the key information emerging through their accumulated 'mosaic effect'. We have heeded Ms Spearing's concern about the dangers of a 'blanket' approach but find no evidence of such here. In our review of the documents, we have not found any example of apparently innocuous contextual information being redacted. We agree with Mr Eardley that redactions based on ss24 and 38 serve their stated purposes and go no further than is necessary to safeguard the vital interests which they are enacted to protect.

33. Turning to the public interest test, we are equally clear that the balance comes down overwhelmingly in favour of maintaining the exemptions under ss24 and 38. The public interest in taking every reasonable precaution to guard against the possible risks to individuals associated with transportation and storage of the samples and to the wider public is self-evidently much greater than any

interest in the location to which the samples were taken or as to the detail of the logistical arrangements relating to their transportation and storage.

34. As for the personal data exemption (s40), again, it is plain that the legislation is engaged. In some instances, its application overlaps with that of ss24 and 38. The privacy rights of the relatively junior employees concerned plainly attract the protection of the DPA, which is duly secured through the proper citation of s40. Again, it seems to us that the redactions made are no more than is necessary in order to deliver that protection.

35. Turning finally to the commercial interests exemption (s43), we were concerned only with two documents. The first, document 26, is what Mr Eardley describes as an "overarching" service level agreement between PHE and the courier company which undertook the transportation of the samples. The redactions, of financial data and related information, are said to be necessary in order to protect PHE's commercial interests in that publication might undermine its position when the contract comes up for re-tendering. It seems to us that the exemption is engaged. In part, we are persuaded of this by the fact that, at the time of the refusal, the agreement had only months to run before it was due for renewal.[5] Publication of the figures at that time might well have constrained PHE's negotiating position in the forthcoming re-tendering exercise.

36. On the public interest test, we again agree with Mr Eardley that the balance favours maintaining the exemption. There is precious little public interest in the numbers withheld and plainly a greater interest in the public authority being free to engage in the re-tendering without the risk of finding itself hindered or embarrassed by relevant financial information having become available to any potential bidder.

37. The second document, an email of 4 June 2015 (identified in our Decision above), has been redacted under s43 only to block out a single figure, namely the sum quoted by the courier company for the transportation of the samples. Much of the other information in that document is redacted on separate grounds but suppression of the figure itself is justified by PHE purely and simply on commercial grounds.

38. In our judgment s43 is not engaged here. The necessary redactions giving effect to other exemptions leave the document so bare that the figure conveys nothing to which any commercial significance can be attached. Absent sufficient information to give the sum any context, it becomes entirely anodyne. We see in publication of the figure no possible risk to any commercial interest of PHE or the courier company or any third party. Moreover, in case we are mistaken on the question of engagement, we would hold in any event that any (exceedingly minor) public interest in the information being disclosed outweighs the (even

[5] As we understand it, the correctness of the refusal to disclose must be determined as at the date of the refusal (or final refusal following review): *APPGER v IC & FCO* [2015] UKUT 377 (AAC).

more exiguous) public interest in maintaining the exemption. Quite simply, we take the view that, having regard to the overall nature and purpose of the freedom of information legislation, any information disclosed by a public authority pursuant to a proper request should be disclosed in full unless a proper ground for the redaction is made out.

39. For completeness, we should add that Mr Eardley vaguely suggested that the redaction should be maintained on the basis that the figure might, with other information, serve to reveal key information (for example relating to the identity of the courier company or the location of the final destination of the samples). We simply reject that suggestion. There was no evidential foundation for it and it did not reflect the case which PHE had put before us.

40. In reaching our conclusions on the exemptions, we have exercised a fresh judgment on everything put before us. We do, however, note that our analysis under ss24 and 40 corresponds with that of the Commissioner, with whose reasoning (on those matters) we agree.

Disposal

41. The appeal must be allowed but the disclosure ultimately given by PHE during the life of this litigation has been sufficient to meet its disclosure obligations under FOIA.

42. We are grateful to counsel for providing us with suggested drafts to assist in the preparation of our Decision. We hope that our version does justice to the outcome explained in these reasons. It will be seen that we have also included in the substituted decision notice those parts of the original DN which held PHE to be in breach of FOIA, ss1(1)(a) and 10(1). It seems to us that there would have been room to add further breaches of s17(1) and (3) in relation to the failure to rely on ss38 and 43 in its initial response, but since we have not raised that with Mr Eardley, we will say no more about it.

43. Finally, we cannot leave this case without passing comment on PHE's behaviour in response to Mr Freudenthal's requests and the Commissioner's many communications. We have quoted from the DN at some length because it tells an extraordinary and disturbing story of a woeful failure on the part of a substantial public authority to live up to its obligations in relation to freedom of information. It is hard to see its conduct, towards Mr Freudenthal and the Commissioner, as anything other than contemptuous.[6] If that perception is unfounded, it might be thought that the only other explanation lies in a most unhealthy combination of operational incompetence and inadequate leadership. We profoundly hope that PHE will make learning lessons and improving its

[6] PHE's first apology to Mr Freudenthal was offered orally in the hearing before us, by Mr Sienkiewicz. It is not for us to comment here on the timing of the gesture or the sincerity of the sentiment behind it.

systems and practices a high priority. What happened here should never be repeated.

(Signed) Anthony Snelson

Judge of the First-tier Tribunal

Dated: 25 May 2021