



**First-tier Tribunal
(General Regulatory Chamber)
Information Rights**

Appeal Reference: EA/2020/0342

ZOE KINROSS

Appellant

and

INFORMATION COMMISSIONER

Respondent

and

GAMBLING COMMISSION

Second Respondent

DECISION BY CONSENT ORDER

1. The appeal is dismissed on the following basis:
 - 1.1. On 16 August 2019 the Gambling Commission considered it did not hold the information Ms Kinross requested. Ms Kinross is content not to challenge the Information Commissioner's Office Decision Notice IC-44654-C3Z9 which found that, on the balance of probabilities, the information was not held on the date of request.
 - 1.2. The Gambling Commission does now hold the information and confirms it will continue to hold the information while it considers Ms Kinross's request for internal review and during the currency of any complaint by Ms Kinross to the Information Commissioner under s.50 of the Freedom of Information Act 2000 ("FOIA") in relation to her request and any appeal under s.57 of FOIA against any decision notice issued by the Information Commissioner's Office in relation to the request, and any further appeal in the same proceedings.
 - 1.3. Ms Kinross has made a new FOIA request to the Gambling Commission in the same terms as set out in her request dated 16 August 2019; the Gambling Commission have now refused disclosure relying on commercial confidentiality exemption.

- 1.4. The Gambling Commission agrees that it will not use section 12 or 14 of FOIA in responding to Ms Kinross's request of 27 April 2021, including at internal review stage, Information Commissioner's Office complaint stage and (should it come to it) proceedings under s.57 FOIA.

This decision was made by the Tribunal Registrar. A party is entitled to apply in writing within 14 calendar days of the date this document is sent for this decision to be considered afresh. If you apply later than 14 days you must explain why you are late.

Signed: **Mrs R Worth**

Tribunal Registrar

Date: 15 June 2021