

IN THE FIRST TIER TRIBUNAL (INFORMATION RIGHTS)

EA/2010/0117

BETWEEN:

COMMISSIONER OF POLICE OF THE METROPOLIS

Appellant

and

THE INFORMATION COMMISSIONER

Respondent

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**CONSENT ORDER**

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Pursuant to rule 37(1) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, upon reading the parties' agreed statement (in Annex A),

IT IS ORDERED BY CONSENT THAT:

1. The appeal be allowed.
2. The Decision Notice FS50219518 dated 27 May 2010 to be substituted in the terms set out in Annex B.
3. No further steps are required to be taken by the Appellant.
4. There be no order for costs.

Dated this 16<sup>th</sup> day of November 2010

Solicitor for the Respondent  
Information Commissioner  
Wycliffe House  
Wilmslow  
Cheshire SK9 5AF

for Director of Legal Services  
Metropolitan Police Service  
New Scotland Yard  
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Solicitor for the Appellant

## **ANNEX A**

### **Statement of reasons for consent order**

1. This appeal concerned the Respondent's Decision Notice FS50219518. That Notice sets out the terms of the original information request at paragraph 2.
2. In its review of 2 September 2008, the Appellant had confirmed that it held information falling within the request, but withheld that information relying on sections 23(1), 24(1), 31(1), 38(1) and 40(2) of the Freedom of Information Act 2000.
3. In the said Decision Notice, the Respondent decided that the Appellant was correct to withhold certain parts of the information falling within the terms of the request under section 23. However he also determined that the rest of the information was not exempt and ordered that it be disclosed.
4. The Appellant appealed against the Decision Notice citing sections 24 and 31.
5. In or about October 2010 the Appellant ascertained that all of the information it held fell within section 23. In the light of material filed and served during the course of this Appeal, the Respondent now accepts that all of the information held in this case is subject to the absolute exemption in section 23, on the basis that it relates to the work of one of the bodies listed at section 23(3). The Respondent now accepts that the information at issue in this appeal need not be disclosed and the parties agree that the Appellant is not required to take any further steps. The Respondent has, however, written to the original requestor in broad terms to advise him of the change in the Respondent's position and invited him to make any representations to the Tribunal which he sees fit.
6. In view of all the circumstances and subject to the Tribunal's views, the parties jointly submit that it is appropriate for these proceedings to be concluded by way

of consent order, and that it is appropriate for the Tribunal to consider their joint application without holding a hearing (as envisaged by rule 37(2)).

## **ANNEX B**

1. The requested information in this case (as identified at paragraph 2 of the Decision Notice) is exempt under section 23(1) FOIA on the basis that it relates to the work of one of the bodies listed at section 23(3).
2. No further steps are required to be taken.