



**IN THE MATTER OF AN APPEAL TO THE FIRST TIER TRIBUNAL  
UNDER SECTION 57 OF THE FREEDOM OF INFORMATION ACT 2000**

**EA/2012/0070**

**BETWEEN:**

**DAVID HOLLAND**

**Appellant**

**and**

**THE INFORMATION COMMISSIONER**

**Respondent**

**and**

**UNIVERSITY OF EAST ANGLIA**

**Second Respondent**

**BEFORE:**

**ANISA DHANJI  
JUDGE**

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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,

And upon the Appellant having obtained a copy of the withheld information,

And upon reading the parties' agreed statement as set out in Annex A:

**IT IS ORDERED BY CONSENT THAT:**

1. The appeal be and is hereby withdrawn.
2. There be no order for costs.

**Signed:**

**Anisa Dhanji**

**Judge**

**Date: 12 October 2012**

## **ANNEX A**

### **Statement of reasons for consent order prepared and agreed by the parties**

1. This appeal concerned the Commissioner's Decision Notice FER0408711. That Notice sets out the terms of the Appellant's original information request to the Second Respondent at paragraph 4. The information which was the subject of the Appellant's complaint to the Commissioner was an attachment to an email dated 26 February 2010 from the IPCC WGI TSU and the status of the individual referred to on the covering email.
2. The attachment to the email was withheld under regulation 12(5)(a) EIR and the status of the individual on the covering email was withheld under regulation 13. The Commissioner's decision was that the Second Respondent correctly applied the exceptions to the withheld information.
3. The Appellant appealed against the Decision Notice arguing that the Commissioner was wrong to conclude that, in relation to the attachment to the email, the exception under regulation 12(5)(a) EIR was engaged and that the public interest balance favoured withholding the information and in relation to the status information the Commissioner erred in concluding that the exception under regulation 13 was engaged and that the public interest balance favoured withholding the information.
4. On 5 October 2012, the Appellant advised the Tribunal and other parties that the withheld information had been released the previous day by the US Department of Justice under reference 'Competitive Enterprise Institute v. NOAA, 12-cv-1466 (DDC)', in response to a production request made on 6 August 2012.
5. On 10 October 2012, and on the basis that the information is now in the public domain, the Second Respondent disclosed to the Appellant a copy of the disputed information.
6. The Commissioner is now satisfied that with the Second Respondent has now disclosed all of the disputed information in this case.
7. The parties therefore 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)).