



# Tribunals Service

## Information Rights

IN THE MATTER OF AN APPEAL TO THE FIRST-TIER TRIBUNAL

BETWEEN: Appeal No:

and Appellant

THE INFORMATION COMMISSIONER Respondent

---

### INITIAL DIRECTIONS

---

UPON READING the Notice of Appeal and the Information Commissioner's Reply:

IT IS ORDERED THAT

1. Unless either party provides to the Tribunal within 7 calendar days of the date of this order a written objection, there will be a *no* preliminary hearing / *a preliminary hearing / a preliminary hearing by way of a telephone conference* to deal with the management of the case, to make directions for the final disposal of this matter, on a date before *(insert 4 week date from today's date)* to be notified to the parties, with a time estimate of *(Chair to insert time estimate)*. **\*Parties to send availability for the period (insert period 3-4 weeks ahead of today's date) to the Tribunal within 7 working days of receipt of these directions.**
2. The parties are to use their best endeavours to agree directions in advance of the preliminary hearing / *or by (Judge to insert date) if no preliminary hearing is to be held*, choosing such parts as appropriate from the Possible Directions set out below, together with such other directions as are appropriate to the case. The parties should agree a timetable that will aim to result in a final hearing within a three month period ending on *(insert date 3 months after directions hearing date)*. **The parties are to send their availability for an oral hearing between (insert date of 2 weeks prior to date given in previous brackets – date given in previous brackets) to the Tribunal within 7 working days of receipt of these directions.**
3. Three working days before the preliminary hearing / *or by (Judge to insert date) if no preliminary hearing is to be held*, the Respondent shall provide a copy of the draft directions by e-mail to the Tribunal and to the other parties by email (if applicable) and in hard copy, stating which items are agreed and which, if any, are not agreed.

Note: The parties should refer to the Practice Notes attached/ or available at:

<http://www.informationtribunal.gov.uk/formsguidanceappeal.htm>

Judge

Dated:

**IN THE MATTER OF AN APPEAL TO THE FIRST TIER TRIBUNAL**

**BETWEEN:** **Appeal No [Insert case number]**

**[Insert Name of appellant]** **[First] Appellant**

**And**

**[Insert name of second appellant for consolidated actions]** **[Second Appellant]**

**And**

**THE INFORMATION COMMISSIONER** **Respondent**

**And**

**[Name of Joined Party]** **[Additional Party]**

---

**POSSIBLE DIRECTIONS**

---

UPON hearing [the Appellant][Counsel for the Appellant] and Counsel for the Information Commissioner and [other parties]

AND UPON [the Appellant confirming/the Tribunal determining] that the information which is the subject of this appeal is: [insert a description of the information]

IT IS ORDERED THAT:

1. This appeal is to be determined [at an oral hearing on (insert the agreed date)] [on the papers without an oral hearing]
2. The matter to be listed for an oral hearing on the first open date after [insert date], but no later than (insert date) with a time estimate of [X] days. [The hearing is likely to be heard partly in public and partly in private because of the need to hear evidence and submissions relating to the detail of the disputed information.]
3. Any communication sent by a party to the Tribunal shall be copied at the same time and by the same means of communication to all other parties, and it shall state that this has been done, except where so copying it would reveal information which needs to be treated in confidence, in which case it shall contain a statement to the latter effect.
4. The [insert name of party] has permission to file a Reply to the [insert name of other party]. Such a Reply to be filed at the Tribunal and served on the other parties by [insert date].
5. By [insert date] each party to provide to the other parties a list of witnesses who they intend to call to give oral evidence at the final hearing of this Appeal together with a summary of the issue(s) that the witness will be addressing.
6. By [insert date] the parties are to agree the contents of a bundle of documents for this appeal in accordance with the arrangements set out at paragraph 6, 7 and 8 below.

7. The first draft of the index to the proposed bundle is to be prepared by the Commissioner and served on the Appellant by [insert date].
8. By [insert date], the Appellant is to notify the Commissioner whether there are any additional documents in their possession that they wish to add to the bundle and to supply a copy of any such documents to the Commissioner if requested.
9. A consolidated version of the index and bundle is to be prepared by the Commissioner by [insert date], and forwarded to the Appellant.
10. **Disputed information**
  - a. By [insert date] the Appellant shall disclose to the Tribunal a copy of the disputed information and any other information related to it which needs to be treated in confidence. The Tribunal shall hold this information in confidence. This information is not to be included in the hearing bundle and the content of this information is not to be disclosed by the Tribunal or the Appellant or Commissioner at any hearing of this Appeal unless the hearing or any part of it is held in private and then only at that part of the hearing held in private.
  - b. By [insert date] the Commissioner to lodge and serve on the Appellant and the Tribunal only [in MS Word (HTML format)] detailed submissions in relation to the specific content of the disputed information and other information referred to in paragraph 9 a. above.
11. By [insert date] the parties are to exchange with each other and serve on the Tribunal any written witness statements [in hard copy and MSWord (HTML format)] on which they wish to rely. If the statements refer to any documents, the relevant page numbers of the agreed bundle are to be given. Such witness statements are to stand as evidence in chief at the hearing, though supplementary questions in chief may be asked with the permission of the Tribunal. No party is to call any witness in respect of whom a written statement has not been exchanged in accordance with this paragraph without the Tribunal's permission.
12. A final version of the bundle, to include any witness statements, any exhibits, a chronology and agreed statement of facts is to be prepared by the Commissioner and four copies are to be lodged with the Tribunal by [insert date] [together with MSWord versions (HTML format) of all documents except exhibits which if possible should be provided in PDF format. (The bundle is not to contain any copy of the disputed information.)
13. The parties are to exchange their [skeleton arguments *for oral hearings*] [written submissions *for determination on the papers*] [in two parts in relation to disputed information so that the arguments/submissions in relation to such information to the extent that they might involve disclosure of such information need only be exchanged with the parties who are permitted to have sight of such information], and lodge all those arguments/submissions with the Tribunal [in hard copy and MSWord (HTML format)], together with any authorities and statutory materials no later than [insert date].
14. [The parties to provide an agreed timetable for the hearing with estimated times for opening statements (if any), witnesses evidence and final submissions in open and closed session if relevant within 24 hours of the commencement of the hearing.]
15. Permission to apply for further directions. [Since these directions have been issued on the Tribunal's own motion, any party wishing to object to any particular direction or wishing to seek some additional direction may do so by applying to the Tribunal in writing, with a copy to the other party, by 4pm on [DATE].]

Signed .....

Judge