



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/Documents/InformationTribunal_Practice_Notes_010108.pdf

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

Appeal No [Insert case number]

BETWEEN:

[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

Mode and length of hearing

1. The matter to be listed for an oral hearing to be heard between [] with a time estimate of [] days/The matter to be listed for hearing on []. 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. [or The matter to considered on the papers before [].]

[Amendments to the grounds of appeal

2. The Appellant does have permission to amend paragraph [] of its grounds of appeal by [].
3. The Respondent does have permission to file a response to the Appellant's amended grounds by [].]

[Joinder/Additional Party

4. [] to be joined as an Additional Party. The Additional Party to reply to the grounds of appeal by [].]

Agreed open bundle of documents

5. By [] the parties are to use their best endeavours to agree the contents of a bundle of documents (the open bundle) for this appeal in accordance with the arrangements set out at paragraphs 6-8 below.

6. The first draft of the index to the open bundle is to be prepared by the [Appellant/Respondent] and served on the [Appellant/Respondent] by [].
7. By [] the [Appellant/Respondent] is to notify the [Appellant/Respondent] whether there are any additional documents in his possession that he wishes to add to the open bundle and to supply a copy of any such documents to the Appellant if so requested.
8. A consolidated version of the open index and bundle is to be prepared by the [Appellant/Respondent] and forwarded to the [Appellant/Respondent] by [].

Closed bundle of documents

9. By [] the [Appellant/Respondent] shall prepare and disclose to the [Appellant/Respondent] and provide the Tribunal with 4 copies of the disputed information and any other information related to it which needs to be treated in confidence. This information is to be provided in bundle format with an index. 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 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.

Witness statements

10. By [] the parties are to exchange with each other [and serve on the Tribunal] any written witness statements on which they wish to rely. If the statements refer to any documents in either the open or closed bundles, the relevant page numbers of the relevant bundle are to be given.
11. If any party wishes to refer in any witness statement to the specific content of the disputed information, or any related information which is of a confidential nature, then any such statement is to be made on a "closed" basis. Any closed witness statement is to be clearly marked as such.
12. The witness statements are to stand as evidence in chief at the hearing, although 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 paragraphs 10 - 11, without the Tribunal's permission.

Disclosure of bundles to the Tribunal

13. A final version of the open bundle, to include any open witness statements and any exhibits is to be prepared by the [Appellant/Respondent] and four copies are to be lodged with the Tribunal by []. Also a copy is to be provided at the hearing for use by witnesses.

Skeleton arguments [written representations]

14. Skeleton arguments are to be lodged with the Tribunal and exchanged between the parties 7 days in advance of the hearing. If either party wishes to refer in any skeleton argument to the specific

content of the disputed information then any such skeleton argument is to be made on a closed basis. Any closed skeleton argument is to be clearly marked as such.

[Written representations are to be lodged with the Tribunal by [].]

Bundle of authorities and statutory materials

15. The parties are to agree a bundle of authorities and statutory materials, which will be prepared by the [Appellant/Respondent], and three copies are to be lodged with the Tribunal at the hearing.

Hearing timetable

16. By noon 2 working days before the hearing, the parties are to provide a timetable, agreed if possible, for the oral hearing. The timetable is to include an estimated time for opening statements (if any), witnesses' evidence and final submissions in both open and closed session.

Other

17. Permission to apply for further directions provided such application is in writing setting out the full reasons for the application and where applicable before the time limit for complying with the order has been reached.

Signed

Judge

Dated.....