



Upper Tribunal (Administrative Appeals Chamber)

Appeal Number: GI/2146/20101; Neutral Citation Number [2012] UKUT 313 (AAC)

Comprising 7 transfers by the First-tier Tribunal of appeals from
decision notices issued by the Information Commissioner (see Open Annex 1)

INFORMATION RIGHTS:

OPEN ANNEX 1:

Explanatory guide to accompany the
Decision and reasons of the Upper Tribunal, 18 September 2012
and Open Annexes 2 and 3

Before
Mr Justice Walker
Upper Tribunal Judge John Angel
Ms Suzanne Cosgrave

Between
Rob Evans (Appellant)
-and-
Information Commissioner (Respondent)
Concerning correspondence with Prince Charles in 2004 and 2005

Additional Parties:

- (1) Department for Business, Innovation and Skills,
- (2) Department of Health
- (3) Department for Children, Schools and Families
- (4) Department for Environment, Food and Rural Affairs
- (5) Department for Culture, Media and Sport
- (6) Northern Ireland Office
- (7) Cabinet Office

Upper Tribunal (AAC):
Evans v Information Commissioner (Correspondence with Prince Charles in 2004 and 2005)

Open Annex 1: explanatory guide to abbreviations & other short forms used in the Decision and Reasons dated 18 September 2012 and Open Annexes 2 and 3.

Abbreviation or defined term	Long form
2000 Directory of Guidance	<i>Directory of Civil Service Guidance 2000</i>
2001 Ministerial Code	<i>A code of conduct and guidance on procedures for Ministers</i> issued by the Cabinet Office in July 2001
2005 Ministerial Code	Ministerial Code as re-issued by the Cabinet Office in July 2005
AA	Sir Alex Allan
AA w/s	witness statement of Sir Alex Allan
AAC	Administrative Appeals Chamber, a chamber of the UT
Aarhus Convention.	a convention adopted on 25 June 1998 at a meeting in Aarhus of the United Nations Economic Commission for Europe. It was signed by (among others) the UK and also by the European Community.
Act	Freedom of Information Act 2000
advocacy correspondence	correspondence in a context where Prince Charles is seeking to advance the work of charities or to promote views
biography	<i>The Prince of Wales A Biography</i> by Jonathan Dimbleby, published by Little, Brown and Company in November 1994
BITC	Business in the Community
BMA	British Medical Association
Cabinet Office	government department to which a request was made by Mr Evans; the Commissioner's Decision Notice in relation to this request was FS50114757 dated 15 December 2009; Mr Evans's appeal to the First-tier Tribunal was registered EA/2010/0020
closed	in the context of hearings or material submitted to the tribunal, the word "closed" means that the tribunal confined participation to the Information Commissioner and the Departments and those associated with them (including representatives of the royal household) for the purposes of these proceedings
Commissioner	Information Commissioner
CRAG 2010	Constitutional Reform and Governance Act 2010
DBIS	Department for Business, Innovation and Skills; a government department to which (under its then name, the Department of Trade and Industry) a request was made by Mr Evans; the Commissioner's Decision Notice in relation to this request was FS50080233 dated 15 December 2009; Mr Evans's appeal to the First-tier Tribunal was registered EA/2010/0016
DCSF	Department for Children, Schools and Families; a government department to which (under its then name, the Department for Education and Skills) a request was made by Mr Evans; the Commissioner's Decision Notice in relation to this request was FS50080238 dated 15 December 2009; Mr Evans's appeal to the First-tier Tribunal was registered EA/2010/0017
DCMS	Department for Culture, Media and Sport; a government department to which

Abbreviation or defined term	Long form
	a request was made by Mr Evans; the Commissioner's Decision Notice in relation to this request was FS50080243 dated 15 December 2009; Mr Evans's appeal to the First-tier Tribunal was registered EA/2010/0018
Decision Notice	notice issued by the Commissioner under section 50(3)(b) of the Act (including such a notice issued by virtue of regulation 18 of the Regulations); the entries in the present Annex for each of the Departments give details of the relevant Decision Notice for that department
DEFRA	Department for Environment, Food and Rural Affairs; a government department to which a request was made by Mr Evans; the Commissioner's Decision Notice in relation to this request was FS50080240 dated 15 December 2009; Mr Evans's appeal to the First-tier Tribunal was registered EA/2010/0014
Departments	Seven government departments to which a request was made by Mr Evans, namely DBIS, DH, DCSF, DEFRA, DCMS, NIO and the Cabinet Office.
DH	Department of Health; a government department to which a request was made by Mr Evans; the Commissioner's Decision Notice in relation to this request was FS50080236 dated 21 December 2009; Mr Evans's appeal to the First-tier Tribunal was registered EA/2010/0021
Dimbleby, Mr	Jonathan Dimbleby, author of the biography (see "biography" above)
Directive	Directive 2003/4/EC on public access to environmental information, adopted by the European Parliament and the Council of the European Union on 28 January 2003, and reflecting the first "pillar" of the Aarhus Convention.
disputed information	correspondence falling within Mr Evans's original requests
DN	Decision Notice (see above)
DPA	Data Protection Act 1998
duty to confirm or deny	obligation on a public authority under the Act to state in writing whether it holds information of the description specified in a request
ECHR	European Convention on Human Rights
environmental information	Information falling within the definition in regulation 2(1) of the Regulations; see section K5 of the Decision and reasons
exemption	used in the judgment as shorthand for the prohibition in regulation 13, the exceptions in regulation 12, and the exemptions in the Act
FIH	Prince Charles's charity initially named the "Foundation for Integrated Medicine", which in 2002 changed its name to become the Prince's Foundation for Integrated Health
F-tT	First-tier Tribunal; the entries in the present Annex for each of the Departments give details of the relevant appeal to the F-tT for that department
GMC	General Medical Council
IC(1)	governmental accountability and transparency: first public interest factor in favour of disclosure identified by the Commissioner
IC(2)	increased understanding of the interaction between government and monarchy: second public interest factor in favour of disclosure identified by the Commissioner
IC(3)	public understanding of the influence, if any, of Prince Charles on matters of public policy: third public interest factor in favour of disclosure identified by the Commissioner
IC(4)	particular significance of IC(3) in the light of media stories focusing on Prince

Abbreviation or defined term	Long form
	Charles's alleged inappropriate interference/lobbying: fourth public interest factor in favour of disclosure identified by the Commissioner
IC(5)	furthering the public debate regarding the constitutional role of the monarchy and, in particular, the heir to the throne: fifth public interest factor in favour of disclosure identified by the Commissioner
IC(6)	informing the broader debate surrounding constitutional reform: sixth public interest factor in favour of disclosure identified by the Commissioner
IC(7)	potential to undermine the operation of the education convention: first public interest factor in favour of non-disclosure identified by the Commissioner
IC(8)	an inherent and weighty public interest in the maintenance of confidences: second public interest factor in favour of non-disclosure identified by the Commissioner
IC(9)	potential to undermine Prince Charles's perceived political neutrality: third public interest factor in favour of non-disclosure identified by the Commissioner
IC(10)	interference with Prince Charles's right to respect for private life under article 8: fourth public interest factor in favour of non-disclosure identified by the Commissioner
IC(11)	a resultant chilling effect on the frankness of communication between Prince Charles and government ministers: sixth public interest factor in favour of non-disclosure identified by the Commissioner
NIO	Northern Ireland Office; a government department to which a request was made by Mr Evans; the Commissioner's Decision Notice in relation to this request was FS50101577 dated 15 December 2009; Mr Evans's appeal to the First-tier Tribunal was registered EA/2010/0019
Nolan Committee	the Committee on Standards in Public Life, chaired by Lord Nolan; see "Nolan Principles" below.
Nolan Principles	principles of public life identified in the first report of the Committee on Standards in Public Life, chaired by Lord Nolan. The report was published in May 1995. Further information appears in the relevant section of the chronological account at OA2.
OA	Open Annex
OA1	Open Annex 1 (the present document), an explanatory guide for ease of reference
OA2	Open Annex 2, a chronology of events, which includes findings of fact
OA3	Open Annex 3, material which is supplemental to the main judgment
open	In the context of hearings or material submitted to the tribunal, the word "open" means "not closed" (see the definition of "closed" above)
PYBT	Prince's Youth Business Trust
Regulations	Environmental Information Regulations 2004, made under the European Communities Act 1972 in order to implement the Directive.
request period	period between 1 September 2004 and 1 April 2005
SL	Sir Stephen Lamport
SL w/s	first witness statement of Sir Stephen Lamport, dated 23 July 2010
UT	Upper Tribunal