



**IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
INFORMATION RIGHTS**

EA/2012/0231

BETWEEN:

WEST SUSSEX COUNTY COUNCIL

Appellant

and

THE INFORMATION COMMISSIONER

Respondent

CONSENT ORDER

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

IT IS ORDERED BY CONSENT THAT:

1. The appeal be allowed.
2. The Decision Notice ref FS50450135 dated 1 October 2012 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 15th day of May 2013

ANNEX A

Statement of reasons for consent order

1. This appeal concerned the Respondent's Decision Notice under reference FS50450135. That Notice sets out the terms of the original information request at paragraph 6.
2. In the said Decision Notice, the Respondent decided that the Appellant had correctly confirmed that information relating to gross profits derived from commercial training is not held. In relation to its decision to withhold information from which the pricing structure of training is derived and details of customers in receipt of training ('the disputed information'), the Commissioner decided that the Appellant wrongly applied the exemptions under sections 43(1) and 43(2) of the Freedom of Information Act 2000 ('the Act').
3. The Appellant appealed against the Decision Notice.
4. The Respondent now accepts that, in light of the witness evidence served from the Appellant, the disputed information is commercial in nature, that disclosure of that information would be likely to prejudice the Appellant's commercial interests and that, in the circumstances, the public interest in maintaining the exemptions under sections 43(1) and 43(2) of the Act outweighed the public interest in disclosure.
5. In view of all the circumstances, 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

**IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
INFORMATION RIGHTS**

EA/2012/0203

SUBSTITUTED DECISION NOTICE

Dated: 15th May 2013

Public Authority: West Sussex County Council

Address of Public Authority: Council Hall
Chichester
PO19 1RQ

Name of complainant: Graham Ellicott obo The Fire Industry
Association

The Substituted Decision:

The following Decision Notice is substituted in place of the Commissioner's Decision Notice dated 1 October 2012.

The Public Authority correctly applied the exemption in section 43(2) of the Freedom of Information Act 2000, in relation to its decision to withhold information from which the pricing structure of training is derived and details of customers in receipt of training. No further action is therefore required to be taken by the public authority in relation to this request.

Except as set out above, the Commissioner's Decision Notice shall remain in effect.

Signed

**Anisa Dhanji
Judge**