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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Rules, which have been prepared in consultation with the Council on Tribunals, make a small number of amendments to the Information Tribunal (Enforcement Appeals) Rules 2005 (S.I.2005/14).

Rule 3 amends rule 4(2)(b)(iv), to make it clear that, in relation to appeals under the Freedom of Information Act 2000 (and the provisions of that Act as applied, as modified by regulation 18 of the Environmental Information Regulations 2004 (S.I. 2004/3391)), it is not the public authority who would have issued a disputed decision; the rule needs to refer to the public authority in respect of which a disputed decision has been made.

Rule 4 amends rule 14(9), to remove the reference to a Minister's and a respondent data controller's replies, and to ensure that a joined party's notice in reply could be struck out.

Rule 5 amends rule 25 to ensure that the chairman may act for the Tribunal in determining whether an appeal should be determined without a hearing.

Rule 6 amends rule 26 so as to remove from the Information Commissioner the burden of proving that a decision notice under section 57(1) of the Freedom of Information Act 2000 should be upheld.