

Joint Office Note No. 1
General Regulatory Chamber of the First-tier Tribunal
Administrative Appeals Chamber of the Upper Tribunal

**MANDATORY TRANSFERS OF NATIONAL SECURITY CERTIFICATE
APPEALS (Information Rights)**
On or after 18 January 2010

1. Rule 19(1A) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) 2009 (the Rules) applies to an appeal under section 28 of the Data Protection Act 1998 or section 60 of the Freedom of Information Act 2000 (including that section as applied and modified by regulation 18 of the Environmental Information Regulations 2004). These are known as appeals in relation to **national security certificates**. These appeals **must** be transferred from the General Regulatory Chamber (GRC) of the First-tier Tribunal (FTT) to the Administrative Appeals Chamber (AAC) of the Upper Tribunal (UT).

2. A notice of appeal and any accompanying material which concerns, or which may concern, a national security certificate, must be handled by staff authorised to deal with national security certificate appeals (“NSC staff”) either on behalf of the GRC (“GRC NSC staff”) or on behalf of the AAC (“AAC NSC staff”) or on behalf of both. This will remain the case unless and until a direction is given under para 3 below that part or all of the case does not involve a national security certificate and can be dealt with by non-NSC staff.

3. If NSC staff consider that the notice of appeal and any accompanying material plainly is a national security certificate appeal and nothing else, they will take the steps set out in paragraph 4 below. If at any time any NSC staff are in any doubt they must seek the advice, and proceed in accordance with the directions, of the lead judge of the AAC National Security Certificates Judicial Group (James Goudie QC) or, if he is unavailable, another judge of that Group.

4. Subject to paragraph 3, the steps to be taken by NSC staff are:

(1) a GRC file number will be created for the case [with the appropriate GRC code for [information rights/national security cases].

(2) the notice of appeal and any accompanying material will be transferred to AAC NSC staff (who may be the same individuals as have been handling the matter to date for the GRC). An AAC file will be created [with the prefix “NSC”] and the appellant will be notified (a) of the AAC file number, (b) that the notice of appeal and any accompanying material were received by the GRC and have been transferred to the AAC in accordance with Rule 19(1A) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) 2009; (c) that the appeal will proceed in accordance with Schedule 2 to the Tribunal Procedure (Upper Tribunal) Rules 2008.

(3) GRC NSC staff will close the GRC file in the case, having noted its transfer to the AAC.

(4) AAC NSC staff will then proceed in accordance with Schedule 2 to the Tribunal Procedure (Upper Tribunal) Rules 2008.