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STATUTORY INSTRUMENTS

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**2005 No. 14**

**The Information Tribunal (Enforcement Appeals) Rules 2005**

**Hearings in public or in private**

**22.**—(1) All hearings by the Tribunal (including preliminary hearings) shall be in public unless, having heard representations on the matter from the parties and having regard to the desirability of safeguarding—

- (a) the privacy of data subjects; or
- (b) commercially sensitive information; or
- (c) any matter in respect of which an exemption contained in Part II of the 2000 Act is claimed,

the Tribunal directs that the hearing or any part of the hearing shall take place in private.

(2) Without prejudice to paragraph (3) and rule 23 below, the following persons, in addition to the parties, may attend a hearing notwithstanding that it is in private—

- (a) the chairman or any deputy chairman or member of the Tribunal in his capacity as such, notwithstanding that they do not constitute the Tribunal for the purpose of the hearing; and
- (b) any other person with the leave of the Tribunal and the consent of the parties present.

(3) Whether or not a hearing is held in public, a member of the Council on Tribunals or the Scottish Committee of the Council on Tribunals in his capacity as such may attend the hearing, and may remain present during the deliberations of the Tribunal but must not take part in the deliberations.