

REASONS FOR NOT PROVIDING INFORMATION

An exemption applies, subject to the public interest test

An exemption(s) under section(s) s.36(1) (claim to confidentiality of communications) of FOISA applies to most of the information you have requested because it relates to legal advice and disclosure would breach legal professional privilege.

This exemption is subject to the 'public interest test' as set out in section 36(1) of FOISA. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption.

We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is some public interest in release as part of open and transparent government, and to inform public debate. However, this is outweighed by the strong public interest in maintaining the right to confidentiality of communications between legal advisers and clients, to ensure that Ministers and officials are able to receive legal advice in confidence, as is the case for any other public or private organization.