

Freedom of Information request 4737/2012

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Information request

"...under Freedom of Information legislation I would like to know how to request access to the legal advice that has been received by the DWP, Job Centre, Job Centre Plus, the UK Government, Secretaries of State or employment agencies/organisations that receive direct or indirect funding from the UK Government."

DWP response

The legal advice provided by the department's lawyers to its officials is exempt under section 42 of the Act as covered by legal professional privilege (LPP). In this case I do not think there is a compelling reason to breach the LPP principles. In particular I do not believe that the public interest test (PIT) overrides LPP in this instance.

In *Calland v Information Commissioner & the Financial Services Authority* (EA/2007/0136, 8 August 2008), the Information Tribunal commented: "The general public interest in disclosure of communications within public authorities has been referred to, usually under the headings of "transparency" and "informing the public debate", in a number of decisions of this Tribunal. What is quite plain, from a series of decisions beginning with *Bellamy v IC* EA/2005/0023, is that some clear, compelling and specific justification for disclosure must be shown, so as to outweigh the obvious interest in protecting communications between lawyer and client, which the client supposes to be confidential."

The fact that you have received full answers to your other questions fully documenting the department's approach in relation to the policy of requesting bank statements means that LPP is not outweighed by the public interest test on this occasion.

Finally, I would re-iterate the point made in the letter sent to you by Goff Daft, that legislation provides that the Secretary of State can, where it is reasonably required, ask for evidence from claimants in relation to their award of benefit.