



Freedom of Information

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- ‘Disturbing’ setback for FOI over Macaque decision, p.18
- Group using FOI to delay views on tuition fees?, p.19
- Correspondence on Katanga not protected, p.20

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Use of section 42 reaffirmed by Tribunal

The First Tier Tribunal (Information Rights) has confirmed that legal advice to do with a Land Registry application was information protected by legal professional privilege.

The ruling follows a lengthy dispute between an applicant and St Albans City and District Council in which the former asked for the “nature and circumstances and full details of all and any legal advice given” concerning his application to the Land Registry for the registration of a Right of Way.

The Council said the information was exempt under section 42, and the case went to the Information Commissioner. The Commissioner decided that “disclosure of the advice would provide a clear indication of the arguments, strengths or weaknesses which the council might have in any litigation taking place over rights of way of public amenity land, placing it at a disadvantage in any such litigation [and] unbalance the level playing field under which adversarial proceedings are meant to be carried out.”

The applicant appealed to the Tribunal. He alleged wrong doing on the part of the Council, and implied that the release of the legal advice would show this wrong doing. He also argued that, as the legal advice had been produced by an in-house legal adviser, it should not benefit from legal professional privilege.

Now the Tribunal has dismissed the appeal saying that the allegations of wrongdoing were not specific enough to be taken seriously. Further,

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University publishes 40 years’ worth of climate research

Queen’s University has disclosed 40 years of research data on tree rings used for climate research after being ordered to do so by the Information Commissioner.

The decision follows a three year battle to see the data by Douglas Keenan (known from his role in ‘ClimateGate’). Mr Keenan requested the tree ring data in order to analyse the tree growth during a period of higher temperatures in the

medieval age known as the ‘Medieval warm period’. He argued that, by discovering how warm the period reached, it would increase the likelihood of understanding what the Earth’s temperature ‘tipping point’ is. Keenan described that discovery as “of enormous importance for the study of global warming.”

The University had resisted the request for the information saying

it was too expensive (the section 12 costs limit in the Freedom of Information Act 2000), and that the information was commercially sensitive (exemption in section 41).

The University currently holds electronic data on over 11,000 trees, which (following the investigation by the Information Commissioner’s Office — see following paragraph) would take

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