

SOLICITOR TO THE COUNCIL & CORPORATE LEGAL TEAM

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Fax: 023 8083 2308
Our ref: RJI/lpl
Date: 21st December 2009

Stephen Nash
(Email: request-23667-264b9757@whatdotheyknow.com)

Dear Stephen

FREEDOM OF INFORMATION REQUEST

Thank you for your Freedom of Information request received on 24th November 2009. In your request, you have requested the following information.

1. For the last year, the total amount spend on outside legal advice.
2. The name and address of those provided the advice and how much was paid to them and to which departments they were provided advice to.

Please find attached a spreadsheet giving the information you have requested.

Section 40 (2)

Whilst disclosing to you the detail of outside legal advice, namely the total spend, address of Counsel and the directorate involved, the Council has decided that the information you have requested relating to names of those individuals is exempt from disclosure by virtue of the following exemption:

S40: Personal Information

The section states that 'information held by a public authority is exempt information if it constitutes personal data...and...the disclosure of the information to a member of the public otherwise than under this Act would contravene (i) any of the data protection principles...'

The information redacted from the spreadsheet (i.e names of counsel instructed by the Council) constitutes personal data of third parties within the meaning of the Data Protection Act 1998. The first data protection principle requires that personal data shall be processed fairly and lawfully, and in particular shall not be processed unless at least one of the conditions in schedule 2 of the Data Protection Act 1998 is met. The Council is satisfied that none of the conditions set out in schedule 2 would be met in this case and the Council is therefore prohibited from releasing such third party data.

Under the Freedom of Information Act 2000, section 40(2) is an absolute exemption in accordance with s40(3)(a)(i) if disclosure by the authority would contravene any of the data protection principles as set out on the Data Protection Act 1998. This means that a public authority is under no duty to consider whether disclosure should nevertheless be made in the public interest.

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Stephen Nash
21st December 2009

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If you have any complaints in respect of your information request, please write to the Complaints Officer:

Corporate Complaints Officer
Corporate Policy and Performance Division
Southampton City Council
Civic Centre
Southampton SO14 7LT

Alternatively you can telephone 023 8083 3050. If your complaint is not resolved to your complete satisfaction, you have the right to apply to the Information Commissioner for a decision.

The Information Commissioner's Office can be contacted by way of letter addressed to:

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Alternatively you can telephone: 01625 545 700

Please contact me again if you require any further assistance on this matter and I will do my best to provide relevant help and advice.

Yours sincerely,

Richard Ivory
Assistant Solicitor to the Council

If you would like this letter sent to you in another format or language, please contact the number at the top of this letter.