Mr Salim Fadhley  
request-742123-8d9ccd44@whatdotheyknow.com

28 April 2021

Dear Mr Fadhley,

Freedom of Information Request Reference FOI-1318783

Thank you for your request dated 28 March in which you asked the Department of Health and Social Care (DHSC):

“Dear Department of Health and Social Care,

In March 2021 a case filed by an organization called “Action against 5G” against your department. It named the the Secretary of State for Health and Social Care and the Secretary of State for the Environment, Food and Rural Affairs as the defendants.

The case made allegations concerning public safety related to the introduction of 5G phone systems into the UK. Further information about this particular filing can be found here:

https://actionagainst5g.org/blog/case-update-8/

Could you kindly identify which government department(s) are handling this matter.

Could you kindly provide me with any and all correspondence between your department and the claimants for this case (or their representatives). Please provide me with copies of all public records your department holds which pertain to this matter.”

Your request has been handled under the Freedom of Information Act (FOIA).

The Government Legal Department hold this information on behalf of DHSC. This information is being withheld as we consider it to be exempt under section 42 of the FOIA (legal professional privilege (LPP)).

Section 42 is a qualified exemption, and we are required to assess the public interest in withholding this information against that of its release.

LPP covers confidential communications between lawyers and clients, along with certain other information that is created for the purposes of litigation, or for the purposes of obtaining legal advice or assistance in relation to rights and obligations. DHSC recognises that there is a general public interest that is served in making information available to promote greater transparency.
However, DHSC considers that there is also a compelling public interest in upholding the established principle of confidentiality in communications between lawyers and their clients, and therefore upholding the principle of LPP. Furthermore, it is DHSC’s view that waiving LPP would impede its decision-making process, which would be contrary to the public interest and also contrary to a very settled practice which is recognised by the Courts and the Information Tribunal.

Therefore, we have concluded that the public interest in withholding this information outweighs any public interest that there might be in its release.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to the address at the top of this letter, or the email address at the end of this letter.

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision. You should raise your concerns with the ICO within three months of your last meaningful contact with us.

The ICO can be contacted at:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

[https://ico.org.uk/concerns](https://ico.org.uk/concerns)

Yours sincerely,

Ed Franklyn  
Freedom of Information Officer  
E [freedomofinformation@dhsc.gov.uk](mailto:freedomofinformation@dhsc.gov.uk)