



Attorney General's Office

Attorney General's Office
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Ms Strickland

request-722740-3xxxxxxx@xxxxxxxxxxxxxxx.xxx -

By email only

19 February 2021

Freedom of Information request: FOI/027/21

I am writing in response to the Freedom of Information request you submitted to this office and dated 30 January 2021, which is copied in bold below;

Please disclose all the materials sent to you in summer 2017 in the case of R v Thacker and others (Stansted 15 case), on which you based your consent to amend the charge to s1(2) (b) of the AMSA 1990.

The Freedom of Information Act (2000) gives individuals and organisations the right of access to all types of recorded information held, at the time the request is received, by public authorities such as the Attorney General's Office (AGO).

I have considered your request and can confirm that the AGO holds an application submitted by the Crown Prosecution Service in 2017 seeking the Attorney General's consent to prosecute in R v Thacker and others. However, that material is subject to legal professional privilege and is therefore exempt pursuant to section 42 FOIA.

There is a strong inherent public interest in maintaining legal professional privilege. In order to overcome the public interest in maintaining legal professional privilege, there must be a countervailing public interest factor that is of at least equal significance. Legal professional privilege ensures that a client is guaranteed the greatest level of openness to allow for full and frank legal advice, which in turn is fundamental to the administration of justice. The Law Officers need to be able to discuss and debate any investigation or prosecution freely with their legal advisers and prosecuting entities to ensure that they have considered the issues fully. Disclosing the material would undermine the decision-making process.

Public interest and debate about the proceedings was enabled as the prosecutions were conducted in public. As you are aware, relevant information regarding the case and legal principles applicable can be found in the judgments of the court. Therefore, disclosure of the documents created in anticipation of a prosecution is not required. Further, the proceedings were widely reported in the press. Given the availability and accessibility of this material, the public interest in disclosing the requested material is marginal. Whilst the AGO acknowledges the public interest in transparency and accountability, we do not consider that these outweigh the arguments in favour of maintaining the exemption.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original request and should be addressed to correspondence@attorneygeneral.gov.uk or to the above address.

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

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

FOI Officer



FOI Officer

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