



# Attorney General's Office

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Richard Card  
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26 October 2017

Dear Mr Card

## **Freedom of Information request: FOI|161|17**

I am writing in response to the Freedom of Information request you submitted to this office and dated 06 October 2017. As multiple requests were received, I have identified the requests for information within your emails and have collated them all in one response for ease of reference, the detail of which is copied below:

1. *"This FOI is to ask for disclosure of Attorney General Advice/Input to Good Friday Agreement.*
2. *My second question is about 2003 when General de Chasterlain sent a report of concern to Northern Ireland Office. What legal advice did AG give?*
3. *What I am now interested in is the 1990/91 correspondence, on my behalf, from Sir John STRADLING THOMAS MP (Roger Evans MP predecessor). Perhaps you could treat this as an FOI request for that correspondence and MAYHEW's response.*
4. *I wonder do you have a record of Roger Evans MP reporting a mail intercept? Or the document burglary of ex RCS Dc Rootes in Gwent. 1992 or the warnings to Chief constable COE that Leonard Cheshire was not terminally ill. This Gwent burglary and warnings and notification to Suffolk Chief constable COE were before CHESHIRE died 30.7.92. Or the Special Branch Gwent intimidation of ex DC Rootes 1992?*

*Have you any record re Plessey Torpedoes and Petbow Generators also being addressed by Sir John Stradling Thomas MP and later by Roger Evans MP. The circumstances of me re-raising the Matron McGill Decd case. I ask because the PETBOW history would have compromised LYELL re Public Interest Immunity Certs (Matrix Churchill) and he abused public interest custodianship when he was a beneficiary of his own cover up."*

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 in points 1 and 2 and can neither confirm nor deny if information is held under Section 35(1)(c) of the FOI Act. This section provides that information is exempt information if it relates to the provision of advice by any of the Law Officers or any request for

the provision of such advice. Section 35(3) and section 2(1)(b) together provide that the duty to confirm or deny does not arise in respect of information which is exempt (or would be exempt) under section 35(1) if the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether or not this department holds the information.

Section 35 is a statutory recognition of the public interest in allowing Government to have a clear space, immune from exposure to public view, in which it can debate matters internally with candour and free from the pressures of public political debate. As part of this principle, there is a strong public interest in ensuring that a Government department is able to act free from external pressure in deciding what sort of legal advice it obtains, at what stage, from whom, and in particular whether it should seek advice from the Law Officers. This strong public interest is reflected in the long-standing Convention referred to above. The convention exists for fundamental constitutional reasons and to promote the public interest in the Rule of Law. Whether the Law Officers have advised and the content of that advice is part of the collective Cabinet decision-making process. The convention reflects the public interest in collective Cabinet responsibility. It also reflects the fact that Law Officers' advice is confidential legal advice and, as with all professional legal advice, it is subject to legal professional privilege. In addition, it acknowledges the feature of Law Officers' advice which sets it apart from other legal advice, namely that it is sought in relation to issues of particular complexity, sensitivity and constitutional importance. It is a matter of constitutional importance that the provision of advice in these circumstances should be protected in the public interest.

I have now been able to consider points 3 and 4 of your request and I can confirm under Section 1(1) (a) of the Act that we do not hold the information you have requested.

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 letter and should be addressed 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



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