

Information Governance

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Ben Jones via email to:

request-133195-8eac4874@whatdotheyknow.com

Our ref: FOI/2012/079

14 November 2012

Dear Mr Jones

Freedom of Information Act 2000 request: *Legal Costs*

With reference to your request for information, dated 13 October, made under section 1(1) of the Freedom of Information Act ('the Act'), I am writing to inform you that the information you require does exist and is held by Central London Community Healthcare NHS Trust (CLCH). The information you require is listed below, subject to exemptions.

You asked the following:

"I understand that you are currently appealing the proposed civil monetary penalty imposed by the ICO. I note you have instructed your lawyers and therefore I'd like to request the name of any external lawyers you have engaged in this matter. I would also like to request any costs that have so far been incurred and any recorded information about how much has been budgeted for legal costs."

The Trust has sought legal advice and representation from Field Fisher Waterhouse LLP with respect to the proposed civil monetary penalty imposed on it by the Information Commissioner's Office.

Details of the legal costs payable to Field Fisher Waterhouse LLP are held, however the Trust considers that this information is exempt by virtue of Section 43 - Commercial interests. More specifically the Trust considers that section 43(2) is applicable in this instance.

The legal costs in question are capped at a fixed rate. Section 43(2) states that *"Information is exempt information if its disclosure under the Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it)"*.

We believe that revealing details of what the Trust is paying its legal advisers in this case would be detrimental to their business interests and the relationship between the Trust and them. If this information were released into the public sector, other legal firms could benefit from the pricing details of services that Field Fisher Waterhouse LLP provides.

Section 43 is a qualified exemption and as such the Trust is required to apply the public interest test, set out in Section 2(2)(b) of the Act.

Public Interest Test

Favouring Disclosure	Against Disclosure
Disclosure allows for informed public debate about the accountability of public bodies in spending from the 'public purse'.	Disclosure could provide Field Fisher Waterhouse LLP's competitors with an unfair advantage when bidding for work against them.
Disclosure demonstrates the work practices and value for money offered by public authorities.	Suppliers have an expectation that details of their charges will not be released into the public domain.
	Disclosure could harm the business relationship between the Trust and Field Fisher Waterhouse LLP.
	Disclosure could harm the future business relationships between the Trust and other legal advisers who may as a result not want to enter into business with the Trust.
	Damage to the business relationship between the Trust and Field Fisher Waterhouse LLP may have a detrimental effect on the Trust's representations in its legal case against the Information Commissioner's Office.

On balance the Trust considers that the public interest would not be served by disclosing the information covered by this exemption.

This completes our response to your request for information. Please accept my apologies for the delay in replying to you, and for your patience in awaiting our response.

If you are unhappy with our response, please write to us giving your reasons and we will address them. If you remain dissatisfied you are entitled to appeal to the Information Commissioner:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
www.informationcommissioner.gov.uk

Yours sincerely



James Allison
Information Governance Facilitator
Central London Community Healthcare NHS Trust

Central London Community Healthcare NHS Trust provides quality care for people in their homes and communities.

Chairman: Pamela J. Chesters

Chief Executive: James A. Reilly