



Department
for Exiting the
European Union

**Freedom of Information
Team**

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Mathias Schindler
Via: request-442339-1385999b@whatdotheyknow.com

5 July 2019

Dear Mathias Schindler,

Freedom of Information Request DEX001302 - ICO Ref: FS50805014

Following your complaint to the Information Commissioner regarding your request for information under the above reference we have, in consultation with the Commissioner, agreed that some information can be disclosed to you.

The following documents are now provided to you, with some redactions:

- Annex A (SECTORAL IMPACTS OF UK DEPARTURE FROM THE EU, ACCOMPANYING NOTE ON WORLD TRADE ORGANISATION) and,
- Annex B (SECTORAL IMPACTS OF UK DEPARTURE FROM THE EU – ACCOMPANYING NOTE ON EEA AND EFTA FROM FCO LEGAL DIRECTORATE).

A small amount of information has been redacted from Annex A under section 35(1)(a) and section 27(1). The explanation for the engagement of these exemptions, and the application of the balance of public interest, was previously explained to you in our original response to your request and the subsequent internal review response.

The information in Annex B is redacted under section 42 (legal professional privilege)

Section 42 Legal professional privilege

There is one sentence that is legal advice, and as such attracts legal advice privilege. The information was provided by Government legal advisers for the purpose of giving legal advice in connection with the UK's exit from the EU. The exemption at section 42(1) is therefore engaged.

Section 42 is a qualified exemption and we accept that there is a very strong public interest in raising awareness of how the Government is developing the policy in respect of negotiations with the EU.

However, against this there is a strong public interest in protecting legal professional privilege so that the Government is able to seek advice that will be given freely, and to be provided with frank opinions given in confidence to fully inform the debate. It is

recognised that the provision of such advice is a key part of the policymaking process, and we consider there is a very strong public interest in protecting legal professional privilege. Therefore we consider the balance of public interest to favour withholding the small amount of information that falls under this exemption.

Yours sincerely

J Millar

Freedom of Information Team, DExEU.