

FREEDOM OF INFORMATION CASE NOTES

Client legal privilege *Information Act s.49*

The complaint was that the public sector agency had withheld information that the Complainant sought to access (including because of insufficiency of search) and had incorrectly applied the legal professional privilege exemption under section 49(d) of the Act.

The Office identified that there was one further document which should be released to the Complainant but found that there was no evidence that that information was deliberately withheld. Otherwise the Office concluded that the complaint in relation to sufficiency of search was unsubstantiated because the extent of the search and search terms used by the public sector agency were extensive and that the complaint in regard to sufficiency of search was not substantiated.

In relation to the complaint questioning the application of the exemption of client legal privilege, the Office found that there was *prima facie* evidence to substantiate the application of the exemption to only some of the records the public sector agency had claimed the exemption for.