

FREEDOM OF INFORMATION CASE NOTES

Advice of in-house counsel *Information Act s.49(d)*

The Complainant sought an 'action table' that related to a meeting which the Department referred to as an in-house meeting to discuss himself and another person. The Department refused to provide the document on the basis that it would breach client legal privilege. The Complainant argued that there was no indication whether the Department's in-house legal counsel had attended the meeting in her capacity as the Department's legal representative or in a more general managerial / strategic role. The Information Commissioner found that on its face, some aspects of the document indicated legal advice was sought, but others were more ambiguous. The Information Commissioner found the onus was on the Department to establish that the meeting was in fact for the dominant purpose of obtaining legal advice. The Complainant succeeded at *prima facie* stage and the matter was subsequently resolved at mediation.