

Date: 20 January 2021

Our Reference: FOIA-2021-154

RE: Your request for information under the Freedom of Information Act 2000 (“FOIA 2000”)

I am writing regarding your email dated 20th December 2021 in which you requested the following:

Please tell me how much you have spent (including unpaid invoices) on the Harry Miller case. This relates to lawyer’s fees.

How much have you been ordered to pay for his costs?

Please provide the legal advice you received, however if you intend to appeal please let me know and you can ignore that part as LPP still applies.

Decision

In line with section 1(1) of FOIA 2000, I can confirm that the College of Policing does hold information relevant to your request however some of the information is to be withheld because the following exemption applies:

- Section 42 – Legal Professional Privilege

When a request for information is made under FOIA 2000, a public authority has a general duty under section 1(1) of the Act to inform an applicant whether the requested information is held. There is then a general obligation to communicate that information to the applicant. If a public authority decides that the information should not be disclosed because an exemption applies, it must, under section 17(1) cite the appropriate section or exemption of the Act and provide an explanation for relying upon it.

It is important to note that a freedom of information request is not a private transaction. Both the request itself and any information disclosed are considered suitable for open publication, that is, once access to information is granted to one person under the legislation, it is then considered public information and must be communicated to any individual should a request be received.

With this in mind, we are able to provide you with the information below.

As of the date of your request the total cost of lawyer's fees for the College of Policing in relation the High Court and Court of Appeal cases in the Miller Judicial Review was £90,133.36.

We have paid £100,000 + VAT on account for costs in anticipation of receiving the negotiated figure of legal costs from Miller.

Having carefully considered your request in relation to legal advice, we are unable to provide any further detail because Section 42 (Legal Professional Privilege) applies.

The above exemption is class-based and there is therefore no requirement to demonstrate any prejudice that may occur. I am however required to undertake a public interest test; this requires a consideration of the arguments on both sides as to whether the public interest in disclosure is outweighed by any harm that disclosure may cause. I have considered whether the public interest in the nature of the legal advice in this case being disclosed outweighs the general principle of client confidentiality and the need for free and frank exchange of advice. I acknowledge that in cases such as this, where the 'client' concerned is a public body, there is a clear public interest in making appropriate information available. The release of such information acts to reinforce the College commitment to being an open and transparent organisation, and serves to maintain public confidence in both the College and the wider police service. This must however be balanced against the legal principle that all communications between a client and their lawyer, whoever the client may be, is confidential. I must also consider that legal advice is privileged because those giving the advice must be able to do so free of concerns that their advice will be subject to public scrutiny, and also because the client seeking the advice must be able to discuss it with their advisors in a candid and open way. Taking into account all of these issues I consider that the balance lies in favour of non-disclosure of the information.

Your rights are provided at **Appendix A**.

Yours sincerely,

Abi Robertson | Legal Services Manager

Information Management and Legal Team

College of Policing

Email: FOI@college.pnn.police.uk

Website: www.college.police.uk

Appendix A

Rights

If you are dissatisfied with the handling procedures or the decision of the College of Policing made under the Freedom of Information Act 2000 (the Act) regarding access to information you can request that the decision is reviewed internally.

Internal review requests should be made in writing, within **forty (40) working days** from the date of the refusal notice, and addressed to: FOI team, Central House, Beckwith Knowle, Otley Road, Harrogate, North Yorkshire, HG3 1UF or email: FOI@college.pnn.police.uk

In all possible circumstances the College of Policing will aim to respond to your request for internal review within **20 working days**.

The Information Commissioner

If, after lodging an internal review request with the College of Policing you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at <https://ico.org.uk/for-the-public/official-information/>.

Alternatively, write to:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 0303 123 1113