



Defence Business Services

Secretariat
Room 6303
Tomlinson House
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Thornton-Cleveleys
Lancashire FY5 3WP

Ref: FOI2022/09096

DBSRES-Secretariat@mod.gov.uk

27 September 2022

Dear [REDACTED]

Thank you for your email of 29 July 2022 to the Ministry of Defence (MOD), seeking information about the conclusion of the Upper Tier Tribunal case, "AL v Secretary of State for Defence - UKUT 0524".

You requested the following information:

"This FOI request relates to the legal advice provided to the Ministry of Defence (MOD) following the conclusion of the Upper Tier Tribunal case, "AL v Secretary of State for Defence - UKUT 0524".

Please could you provide me with:

- 1. Details of any legal advice received by the MOD regarding the application of the UKUT 0524 judgement, and*
- 2. Details of any further advice that was sought as to how the UKUT 0524 decision will affect other cases, and if so, from what date."*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the MOD and I can confirm I information in scope of your request is held.

However, the information you have requested is being withheld under Section 42 of the FOIA, which applies to information which is covered by legal professional privilege. Legal professional privilege applies to any advice given by legal advisers, solicitors and barristers. This exemption can be applied to communication with external lawyers and with legal advisers from public authorities, including those internal to the MOD. It can also apply to legal advice relayed to Ministers in a submission or contained in a summary.

Section 42 is a qualified exemption and is subject to a Public Interest Test. A Public Interest Test has been completed and it has been decided that the public interest is better served in withholding this information.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

A black rectangular redaction box covering the signature of the Defence Business Services Secretariat.

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