



Government Legal Department

Operations
102 Petty France
Westminster
London
SW1H 9GL

+44 (0)20 7210 3000
FOI@governmentlegal.gov.uk
www.gov.uk/gld

[REDACTED]

Ref No: FOI 25_141

12 August 2025

Dear [REDACTED]

Thank you for your email of 15th July 2025 containing your request for information. The Government Legal Department ("GLD") have considered your request under the Freedom of Information Act 2000 ("the Act", "FOIA")

Request

I am writing to request information in relation to the data leak involving personal details of nearly 19,000 people who had applied to move to the UK after the Taliban seized power in Afghanistan. According to the BBC, the previous government learned of the breach in August 2023 and created a new resettlement scheme nine months later. Around 4,500 Afghans arrived in the UK under that scheme, with a further 600 people and their immediate families still to arrive.

Please provide me with the following information:

1. The legal costs incurred by government departments as a result of the data leak and the "secret" scheme called the Afghan Relocation Route. Please provide me with the costs incurred to date (15 July 2025). That includes:
 - a. Legal fees incurred by the government to impose a superinjunction on the media and others, preventing details of the leak and scheme to be released.
 - b. Legal advice provided to government departments in relation to the data leak and scheme;
 - c. Any other legal costs incurred as a result of the leak or scheme, clarifying Where these costs stemmed from.

For all legal costs, please clarify in as detailed a manner as possible, within the appropriate time/cost limits, what their source was, and which department incurred the cost.

I appreciate that your department may not hold some of the above information, or that some of it may be exempt for other reasons. Please do not disregard the entire request when only segments of it are subject to an exemption or are not held. For example, if you do not hold information for 1(b), please answer 1(a) and 1(c).

To clarify, question 1(a) relates to this case: Ministry of Defence-v-Global Media and Entertainment Limited and others.

Response

In regard to questions 1(a) and 1(c):

Pursuant to Section 1(1)(a), GLD confirms that it holds the information you have requested as set out below.

GLD only holds information on cases that we have been instructed on. Costs data includes time spent on the case, any disbursement incurred and legal costs received and paid. Therefore, GLD only has information it has billed the client department in each case, as such please see table showing total billed costs. We are unable to break down costs any further than this without exceeding the costs limit in accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

Billing Date: August 2023 to 15 July 2025		
Time and Charges Inc. VAT	Disbursements Inc. VAT	Total Billed Inc. VAT
1,816,288.62	598,624.68	2,414,913.30

In regard to question 1(b):

Pursuant to section 1(1)(a) of the Act, GLD informs you that it holds the information you have requested, but it is exempt from disclosure in accordance with s42 FOI Act.

Section 42 legal professional privilege (LPP)

Section 42(1) of FOIA provides that information is exempt from disclosure if the information is protected by legal professional privilege (LPP) and this claim to privilege could be maintained in legal proceedings.

Section 42 is a class based exemption, that is, the requested information only has to fall within the class of information described by the exemption for it to be exempt. This means that the information simply has to be capable of attracting LPP for it to be exempt. There is no need to consider the harm that would arise by disclosing the information.

In *Bellamy v the Information Commissioner and the Secretary of State for Trade and Industry* (EA/2005/0023, 4 April 2006) the Information Tribunal described LPP as:

“a set of rules or principles which are designed to protect the confidentiality of legal or legally related communications and exchanges between the client and his, her or its lawyers, as well as exchanges which contain or refer to legal advice which might be imparted to the client, and even exchanges between the clients and [third] parties if such communications or exchanges come into being for the purposes of preparing for litigation”

In the *Bellamy* decision, the Tribunal acknowledged that there are two types of privilege within the concept of LPP:

- Litigation privilege; and
- Advice privilege

Litigation privilege applies to confidential communications made for the purpose of providing or obtaining legal advice about proposed or contemplated litigation. Litigation privilege can apply to a wide variety of information, including advice, correspondence, notes, evidence, or reports.

Advice privilege covers confidential communications between the client and lawyer, made for the dominant (main) purpose of seeking or giving legal advice.

GLD's primary function is to provide legal services to its clients, the government departments (in this case MOD) and the information you have requested contains communications between GLD and a relevant third party made for the purposes of both proposed or contemplated litigation and for seeking or giving legal advice.

GLD considers that both legal advice privilege and litigation privilege apply in this case, and Section 42(1) of the Freedom of Information Act is engaged.

Public Interest Test

The exemptions contained within section 42 of the Act require a public interest test to balance the public interest in favour of and against disclosure. Please refer to table 1 below.

Table 1

Factors in Favour of Disclosure	Factors Against Disclosure
Promoting openness and transparency of government, which may increase public trust and engagement in both the government and governing processes.	It is recognised that the concept of LPP reflects the strong public interest in protecting the confidentiality of communications between lawyers and their clients. LPP protects both legal advice given or sought by a lawyer to their client and communications pertaining to actual or contemplated litigation or court proceedings. This privilege belongs to the client and not to the lawyer / legal advisers.
A furthering of public understanding of government processes and decision making. This may contribute to the reducing natural barriers between government and the public.	Lawyer and client confidentiality promotes respect for the rule of law by enabling clients (and members of the public more generally) to seek legal advice, including in actual or contemplated litigation and allows for free, full and frank exchanges between lawyer and client.
	Lawyers rely on any advice to be fully informed and reasoned. Were legal advice to be published it could harm lawyers and clients
	There is a strong general public interest in maintaining the confidentiality of lawyer and client communications including those relating to actual or contemplated litigation, so that members of the public (and clients) are not discouraged from seeking legal advice and can be assured that documents on their client file remain privileged. The privilege belongs to the client and not to the legal adviser. The privilege can only be waived by the client.

As set out in Table 1, there are public interests in favour of disclosure and public interests in favour of non-disclosure. GLD maintains that whilst there is a public interest in disclosure, the balance favours maintaining the exemption, and withholding information requested.

LPP is the cornerstone of the judicial system and promotes respect for the rule of law and the proper administration of justice, ensuring that clients, and by extension members of the public, feel able to exercise their rights to legal representation.

Your Rights

If you are dissatisfied with the handling of your request, you have the right to ask GLD for an internal review. Internal review requests should be submitted to GLD within two months of the date of receipt of the response to your original correspondence. Please use the contact details provided at the top of this letter in order to request an internal review relating to your original request.

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
www.ICO.org.uk

Yours sincerely,

Freedom of Information Team
Operations, Government Legal Department
102 Petty France, Westminster
London, SW1H 9GL
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