



Government Legal Department

Operations
102 Petty France
Westminster
London
SW1H 9GL

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

Ref No: FOI 25_159

07/10/2025

Dear [REDACTED]

Thank you for your email of 28th 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"), please accept our sincere apology for the delay of our response.

Request

Copies of the following guidance published on the GLP intranet:

	Name	Disclosure Reference
1	17/10/2024: Working with Legislation – Westlaw Edge UK	Appendix 1
2	11/2024: Attorney General's Guidance on Legal Risk	Not disclosed, section 21.
3	02/2025: Knowledge Sharing Across the GLP	Appendix 2
4	02/2025: Legal Professional Privilege And 12/02/2025: Legal Professional Privilege Guidance - Sharing Advice Across the GLP	Appendix 3a 3b 3c
5	02/2025: Being an Effective Government lawyer	Appendix 4
6	20/05/2025: New legal awareness slides on producing Statutory Instruments <i>**Please note: as a work created by an officer or servant of the Crown in the course of their duties, these slides are protected by Crown copyright. **</i>	Appendix 5

Response

Pursuant to Section 1(1)(a), GLD confirms that it holds the information you have requested. However, GLD is not able to disclose all of the requested information. Where a piece of requested information is being disclosed in full, that is noted (*Appendices 2 and 5*), and where only part of it is being disclosed, the part being withheld is not being disclosed for the reasons that follow; please also see the attached documents.

- 1) Appendix 1 - Working with Legislation - Westlaw Edge UK. We note that your request is for 'guidance'. However, this is the only information we hold that meets the description in your request. GLD has withheld the disclosure of personal data relating to a staff member of one of its suppliers, under section 40(2) of the FOIA. Disclosure of this information would contravene one of the data protection principles outlined in Article 5 of the UK General Data Protection Regulation (UK GDPR). As section 40(2) constitutes an absolute exemption, it does not require a public interest test.
- 2) Attorney General's Guidance on Legal Risk is exempt under Section 21(1) of the Act because it is publicly available. This information can be found at:

<https://www.gov.uk/government/publications/guidance-attorney-generals-guidance-on-legal-risk>

- 3) Appendix 2 -Knowledge Sharing Across the GLP – disclosed in full
- 4) Appendix 3a 3b and 3c- Legal Professional Privilege AND Legal Professional Privilege Guidance - Sharing Advice Across the GLP. This guidance is made up of four documents. One document - 'Guidance – FAQs' - and some elements within the other three documents are withheld from disclosure for the following reasons:
 - a) Personal data, as mentioned above, this is exempt under section 40(2) of the Act.
 - b) In the reasonable opinion of GLD's qualified person, the Treasury Solicitor, the disclosure of some information held by GLD would be likely to prejudice the Government's ability to effectively conduct its public affairs. Section 36(2)(b)(i) (inhibiting the free and frank provision of advice); section 36(2)(b)(ii) (inhibiting the free and frank exchange of views for the purposes of deliberation); and section 36(2)(c) (prejudice to the effective conduct of public affairs) are all engaged.

With the exception of the Attorney General's Guidance on Legal Risk, all of the information specified in your request is held online on a password protected knowledge management system which is administered by GLD on behalf of the Government Legal Profession ('GLP'). In common with the wider legal sector, the GLP relies on efficient knowledge sharing between its lawyers to deliver its legal services. The purpose of the knowledge sharing system is to provide a 'safe space' for sharing knowledge, training and legal advice – some of which is legally privileged and/or highly sensitive - between lawyers across the GLP. This knowledge sharing is essential to ensuring GLP lawyers are well informed and trained on common legal issues so that they can provide an efficient and effective legal service across Government, ensuring value for money. It also plays a key role in ensuring consistency of legal advice across Government.

For the system to achieve its purpose, GLP lawyers must be willing to share knowledge, advice and other information by providing it to GLD for publication on the platform. At present, they do so in the expectation that it will remain confidential. Disclosure of the information requested is likely to reduce lawyers' willingness to

share knowledge via the platform going forwards. It is likely to inhibit the provision of free and frank legal advice and the free and frank exchange of views for the purposes of deliberation – for example to reach an agreed position on how to address a cross-cutting legal issue that a number of Government Departments may be considering. This in turn, would significantly impact how GLP lawyers are trained and kept up to date on common legal issues and on cross-Government legal positions and would be likely to prejudice the GLP's ability to provide an efficient and effective legal service to Government. The exemptions contained within section 36 of the Act require a public interest test to balance the public interest in favour of and against disclosure. Please refer to table 1.

Table 1

Factors in Favour of Disclosure	Factors Against Disclosure
Clear public interest in subject matter.	s36(2)(b)(i): would be likely to inhibit the free and frank provision of advice
Promotion of good government through openness, transparency and accountability, which may increase public trust and engagement in both the government and governing processes.	s36(2)(b)(ii): would be likely to inhibit the free and frank exchange of views for the purposes of deliberation
A furthering of public understanding of government processes and decision making and therefore the position taken by government. This may contribute to the reducing natural barriers between government and the public.	s36(2)(c): would be likely to otherwise prejudice the effective conduct of public affairs
Improving public trust and confidence in government.	The information requested is not a topic of wide-ranging or strong public interest. The severity of the prejudice which is likely to occur if the information is disclosed is significant - lawyers across the GLP would be less likely to share free and frank legal advice and other knowledge via our knowledge system, which would significantly impact how GLP lawyers are trained and kept up to date on common legal issues. This in turn would be likely to prejudice the GLP's ability to provide an efficient and effective legal service to Government .
Facilitating an improved standard of constructive public debate	
Upholding standards of integrity	
Securing best use of public resources	

- c) Legal advice that attracts legal advice privilege. This type of Legal Professional Privilege (LPP) applies to confidential communications, made for the dominant purpose of seeking or giving legal advice. Under section 42 of the Act, GLD is not obliged to release information that is subject to LPP where the public interest test weighs in favour of withholding it. The public interest test requires GLD to balance the public interest in favour of and against disclosure. There is a strong public interest in non-disclosure inbuilt into this exemption and caselaw notes that equally strong factors in favour of disclosure are therefore required to override this (Bellamy v ICO and SoS Trade and Industry EA/2005/023). Please refer to table 2.

Table 2

Factors in Favour of Disclosure	Factors Against Disclosure
Promotion of good government through openness, transparency and accountability, 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.
A furthering of public understanding of government processes and decision making and therefore the position taken by government. 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) to seek legal advice, and allows for free, full and frank exchanges between lawyer and client.
Clear public interest in the subject matter	Lawyers rely on any advice to be fully informed and reasoned. Were legal advice to be published it could harm lawyers and clients.
Improving public trust and confidence in government.	The legal advice in question is recent, 'live' and currently being relied upon.
	There is a strong general public interest in maintaining the confidentiality of lawyer and client communications so that members of the public (and clients) are not discouraged from seeking legal advice.

5. Appendix 4 - Being an Effective Government Lawyer. Some elements – including Annex 2 - are withheld under Section 36 of the Act, please see above for an explanation and Public Interest Test in Table 1. Please note there is an error in paragraph 1.16. In the penultimate line the text should say 'access is limited to **GLD** and core GLP departments' rather than, 'access is limited to GLP and core GLP departments. We will be correcting our version of the document shortly.
6. Appendix 5 - New legal awareness slides on producing Statutory Instruments – disclosed in full.

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
FOI@governmentlegal.gov.uk