



Government Legal Department

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Ref No: FOI 25_071

24 June 2025

Dear [REDACTED]

Thank you for your email of 11 April 2025 which contained your request for information. The Government Legal Department ("GLD") have processed your request for information under the Freedom of Information Act 2000 ("the Act").

Request

Do you hold any recorded information indicating that the Government Legal Department (GLD) was involved in providing legal services, advice, funding arrangements, or strategic input relating to the legal defence of Boris Johnson in connection with the case Ball v Johnson, Johnson v Westminster Magistrates' Court (High Court case number CO/2148/2019), or any related proceedings arising from the private prosecution brought by Marcus J Ball or Brexit Justice Ltd.

Please include any internal or external correspondence, memoranda, instructions to counsel, or advice concerning:

- Whether public funds could be used to support or indemnify Mr Johnson in the context of this case;*
- Any costs orders (including the judgment dated 20 September 2019 ordering indemnity costs of £103,130 against Marcus J Ball);*
- Any involvement of the Cabinet Office, Prime Minister's Office, or other public authorities in seeking GLD input on this matter;*
- The scope or nature of GLD's involvement, if any, in Mr Johnson's legal representation.*

Response

Please accept our apologies for the delay in responding to your request.

Pursuant to Section 1(1)(a) of the Act, GLD informs you that it does hold some of the information you have requested.

However, GLD was instructed by Westminster Magistrates' Court in the matter. GLD did not represent Boris Johnson. On this basis, GLD regards the information you have requested and how it might otherwise have engaged in the matter, to be Legally Professionally Privileged ("LPP") and therefore exempt from disclosure.

Under section 42 of the Act, there are two strands of LPP, legal advice privilege and litigation privilege.

Legal advice privilege protects communications between a lawyer and client that are made for the sole or dominant purpose of giving or receiving of legal advice. This includes communications that form part of a continuum which aims to keep client and lawyer informed so that legal advice may be given as required.

Litigation privilege protects communications between lawyers or their clients and any third party for the purpose of obtaining advice or information in connection with existing or reasonably contemplated litigation.

Absent the client waiving LPP, either expressly or by implication; or the presence of express exceptions under the General Data Protection Regulations ("GDPR"), GLD must withhold the information you have requested from disclosure. Below you will find some of our considerations in coming to this decision.

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.
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) to seek legal advice, 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 so that members of the public (and clients) are not discouraged from seeking legal advice

In accordance with section 16 of the Act, GLD has a duty to provide advice and assistance, where reasonably able, to those making a request for information under the Act. In reference to the second point of your request, the High Court's judgment on the application for Judicial Review is publically available via the link (<https://www.judiciary.uk/wp-content/uploads/2019/07/2019ewhc-1709-admin-johnson-v-westminster-mags-final.pdf>). The document contains details of cost orders relating to the matter.

Your Rights

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted 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

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