Government
Legal Department

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[redacted]

Ref No: **FOI 25_122**

18 July 2025

Dear [redacted]

Thank you for your email of 20 June 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

*Under the Freedom of Information Act 2000, I hereby request the following information related to the Government Legal Department's internal reference number z2408545, which was included in subject headers by* [redacted] *in correspondence dated 20 June 2025:*

*Information Requested:*

1. *A list or summary of all departments or agencies (e.g., MOD, HMCTS, SCOAF, Treasury Solicitor, DJEP) that have accessed or been copied into correspondence tagged under internal reference z2408545.*
2. *The date of creation and assigned owner/handler of the z2408545 case file.*
3. *Any casework index, log, or metadata (i.e., title, participants, correspondence type) recorded under this reference — excluding the content of privileged legal advice.*
4. *Whether the reference z2408545 has been cross-referenced in any other MOD or HMCTS litigation systems.*
5. *A copy of any policy or internal guidance used by GLD for tagging litigation or correspondence under a "z" prefix case ID.*

*I do not seek the legal advice content itself, but rather administrative and procedural metadata, correspondence logs, and index-level material.*

## Response

Pursuant to Section 1(1)(a) of the Act, GLD informs you that it partially holds the information you have requested. The Freedom of Information Team adopt the numbering used in your email of 20 June 2025 and respond as per the below:

1. Only GLD can access correspondence filed to Z2408545. There is no list or summary in existence that lists all the parties that have been copied into correspondence filed to Z2408545. In relation to correspondence GLD has sent to the Court, GLD can confirm that you have been copied into every email sent. In relation to entities you have copied in to correspondence filed to Z2408545, GLD do not hold an analysis of all these individuals and entities involved. All other communications GLD have undertaken with other departments and agencies in this matter are exempt under s42 FOIA - Legal Professional Privilege ('LPP").

LPP is a set of rules and principles which are designed to protect the confidentiality of legal or legally related communications and exchanges between the client and their lawyers, as well as exchanges which contain or refer to legal advice or such communications relating to the process of litigation. Section 42 of the Act provides for two strands of LPP, legal advice privilege and litigation privilege.

Under section 42 of the Act, GLD is not obliged to release information that is subject to litigation privilege. This type of privilege applies to confidential communications made between lawyers, clients and third parties for the purpose of providing or obtaining legal advice in relation to proposed or contemplated litigation.

As GLD's primary function is to provide legal services to its client(s), the government departments, and the information you have requested contains information about the communications between GLD and its client and third parties, made for the purposes of providing or obtaining legal advice in relation to ongoing litigation; some of the information you have requested at item 1 of your request (a list or summary setting out who GLD has copied into correspondence with in this claim) attracts litigation privilege and is exempt from disclosure.

**Public Interest Test**

The exemptions contained within s42 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** |
|---|---|
| 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. |

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, ensuring that clients, and by extension members of the public, feel able to exercise their rights to legal representation.

2. GLD were instructed by the Defendant on 18 July 2024. Z2408545 (the GLD case reference for your judicial review against the Service Complaints Ombudsman for the Armed Forces) was opened by GLD 22 July 2024 and initially assigned to [redacted]. The matter was then

allocated to [redacted] around 9 September 2024. Duncan Hutcheson is the current case holder supervised by [redacted].

3. Casework index, log or metadata is exempt under s42 FOIA - Legal Professional Privilege ('LPP").

   LPP is a set of rules and principles which are designed to protect the confidentiality of legal or legally related communications and exchanges between the client and their lawyers, as well as exchanges which contain or refer to legal advice or such communications relating to the process of litigation. Section 42 of the Act provides for two strands of LPP, legal advice privilege and litigation privilege.

   Under section 42 of the Act, GLD is not obliged to release information that is subject to litigation privilege. This type of privilege applies to confidential communications made between lawyers, clients and third parties for the purpose of providing or obtaining legal advice in relation to proposed or contemplated litigation.

   As GLD's primary function is to provide legal services to its client(s), the government departments, and the information you have requested contains information about the communications between GLD and its client and third parties, made for the purposes of providing or obtaining legal advice in relation to ongoing litigation; the information you have requested attracts litigation privilege and is exempt from disclosure.

4. Every case opened in GLD's litigation system has its own Z reference. GLD does not have access to the MOD or HMCTS litigation system and therefore does not have this information. Subject to the Section 16 of the Act, GLD has an obligation to provide advice and assistance to applicants. GLD therefore advises you to seek this information from the MOD and HMCTS.

5. Z references are GLD's standard case reference numbers. GLD 'files' all correspondence and documents on a case under the relevant Z reference for that case.

**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,

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