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By email only

06 October 2025

Dear [redacted]

Freedom of Information Request: FOI 25_202

Thank you for your email of 09 September 2025, containing your request for information. The Government Legal Department ("GLD") have processed your email as a request for information, in line with the Freedom of Information Act 2000 ("FOIA", "the Act").

Your Request

In July you responded to a previous request, ref FOI 25_010/25_018, with the release of more than 90 email dates and subject headings…I attach an annotated version of your release to this email, separating these four groups of emails by colour…I would like to request the GLD consider publishing the contents of these emails, on the grounds of public interest…

A full copy of your request is attached to our email as Annex 1.

Response

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 as the information attracts 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 a client and their lawyers (legal advice privilege), as well as exchanges which contain or refer to legal advice or such communications relating to the process of litigation, whether underway or reasonably contemplated (litigation privilege).

The withheld information contains email communications made between GLD Lawyers and their clients, the Ministry of Defence ("MOD") and the Atomic Weapons Establishment ("AWE") made for the dominant purpose of providing legal advice as well as providing legal advice in relation proposed or reasonably contemplated litigation. As such, it is GLD's view that the withheld information is subject to Legal Advice Privilege and Litigation Privilege.

These communications have been made against the backdrop of contemplated litigation, they therefore attract Litigation Privilege and are withheld from disclosure. The litigation in question is at the pre action stage and GLD expects litigation to continue and or escalate in the near future.

Where communications have been made not in connection with litigation, but remain communications made for the dominant purpose of providing legal advice from GLD Lawyers to MOD clients, said communications attract Legal Advice Privilege and are withheld form disclosure.

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.

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 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.
Legal Advice and Litigation Privilege wane over time and information subject to privilege may lose its privileged status.	Lawyers rely on any advice to be fully informed and reasoned. Were legal advice to be published it could harm the quality of legal advice given.
	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
	The withheld information is recent and is still the subject of threatened litigation and has therefore not been subject to ‘weakening’ or ‘waning’ Litigation Privilege.
	The communications made within the withheld information have been made in the recent past and relate to active matters of government policy, litigation and legal strategies, strengthening the claim that Legal Advice Privilege remains intact.

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 one of the cornerstones 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. By withholding the information requested, the respect for the rule of law is maintained and the public interest served.

Yours sincerely,

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Operations, Government Legal Department,
102 Petty France, Westminster
London SW1H 9GL
FOI@governmentlegal.gov.uk

Email_subject	Date
RE: Daily Mirror Nuclear Test Veterans - press inquiry	2024-11-28
RE: Daily Mirror Nuclear Test Veterans - press inquiry	2024-11-28
RE: Daily Mirror Nuclear Test Veterans - press inquiry	2024-11-29
RE: Daily Mirror Nuclear Test Veterans - press inquiry	2024-11-28
20241129-MODLA_GL4-Cmmts-Daily Mirror Nuclear Test Veterans	2024-11-29
RE: 20241115-Daily Mirror press inquiry - nuke vets	2024-11-15
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RE: Daily Mirror Nuclear Test Veterans - press inquiry	2024-11-28
RE: Daily Mirror - nuke vets compendium of materials	2024-08-20
RE: Daily Mirror - nuke vets compendium of materials	2024-08-20
RE: Daily Mirror press inquiry - nuke vets	2024-11-15
RE: Daily Mirror Nuclear Test Veterans - press inquiry	2024-11-28
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RE: EXTERNAL: Re: Nuclear Testing Veterans	2024-04-12
RE: Daily Mirror Nuclear Test Veterans - press inquiry	2024-11-28
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