

# Petition: Call to end Councillor and Assembly Member Dual Role

11 July 2013

## Request for Information.

Thank you for your request received on 14 June in which you asked for the following:

*The letter which was redacted from Petitions to CLAC: prompted the request in the INTERESTS of openness and transparency and ALL documents which found this PETITION REQUEST to the Assembly and form the basis for deliberation.*

*ie if it was DISCUSSED anywhere and generated ANY correspondence or TRAFFIC to ANY body, person or third interested party anywhere in the WG/or National Assembly.*

We can now provide you with the information captured by your request, by way of the enclosed copy documents (please use contact details provided below if you wish to receive a copy of these documents). The documents that you have previously received as the main petitioner have not been included.

There exists further information contained in documents which are captured by your request, but the information is covered by legal professional privilege. This means that an exemption from disclosure – the exemption for legal professional privilege in section 42 of the *Freedom of Information Act 2000* – applies to some of the information covered by your request.

The exemption is intended to provide confidentiality between legal professionals and their clients to ensure openness between them and safeguard access to fully informed, practical and candid legal advice. A number of communications captured by your request are concerned with the provision of legal advice, and we believe that those communications are protected by legal professional privilege.

Bae Caerdydd  
Caerdydd  
CF99 1NA  
  
Cardiff Bay  
Cardiff  
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This is a qualified exemption and therefore subject to the public interest test: the information requested must be disclosed unless the public interest in maintaining the legal professional privilege exemption outweighs the public interest in disclosure. The purpose of the exemption, in the context of public authorities, is to make it possible for legal advice to be given freely, to enable deliberations by public authorities to be undertaken in an informed legal context, and to ensure that the resulting decisions are fully informed by such comprehensive legal advice. There is a need in the provision of this advice for reasonable certainty of confidentiality and, without this, such legal advice may not be as full and as frank as it should otherwise be.

We understand as a public authority the principle that we must be open, transparent and accountable for the quality of our decisions making, compared with the arguments against disclosure which we believe to be that decisions must be taken in a fully informed legal context and that without such comprehensive advice, our decisions making may be compromised as it would not be fully informed.

After careful consideration, and for the reasons stated above, we have come to the conclusion that there is substantial public interest in maintaining the exemption to disclosure of the information to which legally privilege attaches in this case therefore, we are refusing to disclose all documentation capture in your request.

Your request has been considered according to the principles set out in the Code of Practice on Public Access to Information. The code is published on our website at [http://www.assemblywales.org/abthome/about\\_us-commission\\_assembly\\_administration/abt-foi/abt-foi-cop-pub.htm](http://www.assemblywales.org/abthome/about_us-commission_assembly_administration/abt-foi/abt-foi-cop-pub.htm)

If you have any questions regarding this response please contact me. If you feel you have cause for complaint, please follow the guidance at the end of this letter.

Yours sincerely

**Buddug Saer**  
**Programme Officer**  
**National Assembly for Wales**

Cause for concern or complaint with your FOI response?

If you believe that I have not applied the Code correctly or have not followed the relevant laws, you may make a formal complaint to the Chief Executive and Clerk at the National Assembly for Wales, Cardiff Bay. Details of the Assembly's complaints principles are set out in the Code of Practice on Complaints available on the Internet at <http://www.assemblywales.org/conhome/con-complaint.htm>. Please advise me if you wish to receive a printed copy.

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

**Buddug Saer**  
**Programme Officer**  
**National Assembly for Wales**