

POLICE AUTHORITY RESPONSE

You requested copies of extracts of minutes of relevant meetings. These are for the following dates: 14 February 2007, 16 April 2007, 2 July 2007, 15 February 2009, 18 February 2009 and 30 September 2009.

EXPLANATORY NOTES

You will note that parts of the minutes have been redacted. These redactions have been clearly marked. The reason for these redactions is that the Police Authority relies on exemptions available to it under Sections 41 and 42 of the Freedom of Information Act 2000 ('the Act').

Under S42(1) of the Act, a public authority is exempt from the duty to communicate information in respect of which a claim to legal professional privilege could be maintained. This exemption would include communications to and from lawyers and clients and the legal advice provided.

In addition the legal advice is information provided in confidence and is therefore exempt from disclosure subject to S41 of the Act. This is an absolute exemption and does not require the application of a public interest balancing exercise.

Notwithstanding s 41, there needs to be a balance between the withholding of such information under S42 of the Act and the disclosure of the same in the public interest. In this case it is not in the public interest to disclose the substance or the existence of legal advice which may have been provided to the Police Authority. There is a sensitivity surrounding any such legal advice at this time.