



**Tribunals Service**  
Information Tribunal

**Information Tribunal**

**Appeal Number: EA/2006/0048**

**Freedom of Information Act 2000 (FOIA)**

**Decision Promulgated 19<sup>th</sup> March 2007**

**BEFORE**

**INFORMATION TRIBUNAL DEPUTY CHAIRMAN**

**Chris Ryan**

**and**

**LAY MEMBERS**

**Andrew Whetnall**

**Gareth Jones**

**Between**

**Dr CHRISTOPHER T HUSBANDS**

**Appellant**

**and**

**INFORMATION COMMISSIONER**

**Respondent**

**Decision**

**Following our preliminary decision dated 16 February 2007, and in the light of further communications received from the parties, the Tribunal has decided to substitute the following decision notice in place of the decision notice dated 5 July 2006. The following action, required in light**

**of the decision that has been reached, is that the two single page VAT invoices identified in paragraph 27 of our preliminary decision should be disclosed within 20 working days from the date of this Decision.**

**FREEDOM OF INFORMATION ACT 2000 (SECTION 50 and 58(1))**

**SUBSTITUTED DECISION NOTICE**

**Dated this 19<sup>th</sup> day of March 2007**

**Name of Public authority:** Cardiff University  
**Address of Public authority:** 47 Park Place, Cardiff, CF10 3AT

**Name of Complainant:** Dr C Husbands

The Decision Notice of the Information Commissioner dated 5 July 2006 shall be substituted as follows:

**Nature of Complaint**

The Public Authority failed to disclose information regarding external legal advice received in connection with a particular legal dispute.

**Action Required**

Two VAT invoices issued by Denton Wilde Sapte dated 20 October 2004 and 25 February 2005 should be disclosed by the Public Authority within 20 working days from the date of this Substituted Decision Notice.

Dated this 19<sup>th</sup> day of March 2007

Signed



Deputy Chairman

### **Reasons for Decision**

We adopt the same abbreviations in this Decision as we did in our preliminary decision dated 16 February 2007. In that decision we decided that a letter and a schedule, both described in more detail in paragraph 27 of the decision, and containing the detailed description of work undertaken by solicitors instructed by the University, were subject to legal professional privilege (so that they fell within the exemption provided by FOIA section 42). We went on to decide that the public interest in maintaining the exemption outweighed the public interest in disclosure. However, we decided that two single page VAT invoices (also identified in paragraph 27), which did not include any such information, fell outside the exemption.

A separate exemption had been asserted by the University, but had not been investigated by the Information Commissioner in the course of making the Decision Notice forming the subject matter of the Appeal. This was that the information originally requested by the Appellant fell within the exemption provided by FOIA section 41, in that it included confidential information and that disclosure other than under FOIA would have constituted an actionable breach of confidence by the University.

We decided that the parties should be given an opportunity of providing written submissions on the application of that section to the two invoices referred to above. We subsequently received a detailed written submission from the Appellant urging us to reject any claim that the material falling outside the scope of the section 42 exemption fell within the scope of section 41. However, at the same time we heard from the Information Commissioner that, having corresponded with the University, he understood that the disclosure of the VAT invoices alone would not be regarded as constituting an actionable breach of confidence. On that basis, the Information Commissioner informed us that he did not intend to advance any argument, for the purposes

of this part of the Appeal, to the effect that the exemption afforded under section 41 FOIA would apply.

On that basis it is not necessary for us to consider the Appellant's submissions and we direct that the two single page VAT invoices referred to above should be disclosed within 20 working days from the date of this Decision.

Signed

CHRISTOPER J L RYAN  
Deputy Chairman of The Tribunal

Date: 19 March 2007