

## UK & EU Public Law and Policy Freedom of Information

The use of UK and EU freedom of information rights in commercial matters is fast becoming commonplace. With that comes risks and opportunities for both the private and public sectors. Our UK & EU Public Law and Policy team remains at the vanguard of this area.

We have extensive experience of advising public authorities, applicants and private parties on information rights issues. This includes the use of the Freedom of Information Act, Environmental Information Regulations and EU and international law to seek disclosure of information or to prevent such disclosure. We have significant experience acting in related complaints and appeals before the Information Commissioner and Tribunals.

As part of our Information Law practice (which also covers confidentiality, trade secrets, data protection and related issues), we have advised on all aspects of the legal protection of rights in trade secrets and other confidential information. We have acted for both claimants and defendants in actions for misuse of confidential information, including applying for and defending applications for interim relief.

Our team can assist by:

- advising public and private sector clients on their information disclosure obligations and/or rights under the relevant domestic and EU legislation
- acting for applicants, respondents and interested parties in proceedings before the Information Commissioner, the First-tier Tribunal and the Upper Tribunal
- advising on the strategic use of freedom of information regimes, including the tactical use of requests as part of public policy activities, litigation and commercial negotiations
- advising on confidentiality and freedom of information considerations arising during corporate transactions and other engagement with the public sector, including the drafting and interpretation of contractual provisions and protocols on the use and disclosure of information
- identifying the risks and opportunities arising from the freedom of information regime for commercial parties, including providing practical advice on internal processes and systems to manage information so as to minimise the likelihood of unwanted disclosure.

Examples of our recent work include:

- representing the All Party Parliamentary Group on Extraordinary Rendition in respect of appeals to the First-tier Tribunal and Upper Tribunal against the Ministry of Defence and Foreign and Commonwealth Office, successfully obtaining information not previously disclosed
- advising Serco in respect of its involvement as a third party in an appeal brought by Transport for London against the Information Commissioner's decision to order disclosure of financial information relating to Phase 1 of the London Cycle Hire Scheme
- acting for a major ICT supplier in respect of a number of freedom of information requests relevant to judicial review challenges to a significant UK Government procurement policy relating to strategic suppliers
- advising a major non-pharmaceutical health goods and service provider on information rights and public policy issues relating to the relevant national regulatory framework
- advising a major retail bank regarding the risk of disclosure of commercially sensitive information and measures that could be taken to minimise those risks
- acting for the Port of London Authority in ground-breaking proceedings before the Information Tribunal regarding the borderline between public and private organisations under the Environmental Information Regulations
- representing a number of commercial clients, including the British Bankers' Association, in formal engagement with the Ministry of Justice regarding the Government's proposals to extend obligations imposed by the Freedom of Information Act to new authorities (such as the Financial Ombudsman Service) and/or into the private sector

For questions or further information on how we can assist you, please contact:

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