

Information Law

TSol has a great deal of experience in dealing with areas of information law and we regularly advise in relation to the Data Protection Act 1998 (DPA), the Freedom of Information Act 2000 (FOI) and the Environmental Information Regulations 2004 (EIRs) as well as handling litigation in these areas. The regimes raise significant questions about the disclosure of government information to private individuals and the public.

Our specialist expertise

Our specific areas of expertise include:

- the scope of the obligation to provide information under the FOI, DPA and EIRs;
- FOI, DPA and EIRs litigation, in particular in the Information Tribunal;
- the application of exemptions under the FOI, DPA and EIRs;
- preparing a publication scheme;
- freedom of information and national security;
- data sharing and the requirement to process data fairly and lawfully;
- data protection and national security; and
- notification to the Information Commissioner under the DPA.

Our experience

Our experience in this area includes:

- working closely with the Ministry of Justice preparing the guidance on FOI exemptions;
- contributing to training across Whitehall on FOI;
- advising the Cabinet Office and the central government clearing house, in particular on matters relating to advice to ministers, collective responsibility and national security;
- handling a very wide range of FOI and EIRs appeals to the Information Tribunal;
- handling the appeals to the Information Tribunal involving national security issues;
- handling appeals to the High Court from the Information Tribunal;

How we add value

Our position within Government and our public law experience means that we can offer valuable expertise to our clients. We frequently communicate with the lead policy department on DPA and FOI, the Ministry of Justice. We participate in various working groups across Government to ensure the currency of our knowledge and experience – we are members of the Whitehall Information Law Group and various other practitioners and legal groups in this area.

Other examples of how we can add value include:

- Our thorough understanding of Data Protection and Freedom of Information legislation, having been at the forefront of its impact in Government. This has also given us valuable experience in understanding how this legislation interacts with the Data Protection directive, the Human Rights Act and the EIRs;
- Our in-depth knowledge of a host of other issues relating to disclosure, including public interest immunity;
- Our ability to provide a comprehensive service to clients, from advice about an individual subject access request, to conducting large pieces of litigation;
- Our willingness to share our expertise for the benefit of the clients; we provide training and workshops that help our clients avoid legal problems and litigation arising in the first place; and
- Our ability to co-ordinate common issues across Whitehall.

Our clients

We provide litigation services in this area for the majority of the major Departments of state as well as a number of other public bodies. Our key clients in this area are the Home Office, Ministry of Defence, The Department for Business Enterprise and Regulatory Reform, The Department for the Environment Food and Rural Affairs, Ministry of Justice, the Cabinet Office, the Department for Children, Schools and Families, the Department for International Development, the Department for Transport, the Foreign and Commonwealth Office and OFSTED. We also undertake advisory work on these issues for a number of other Departments and public bodies.

Contacts



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