

**Mihailovic Anne LSPG Sol LIT**

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**From:** Ailsa.Wight@GRO-C  
**Sent:** 25 May 2006 17:06  
**To:** Mihailovic Anne LSPG Sol LIT  
**Cc:** Gidden Mark LSPG Sol LIT; Gerard.Hetherington@GRO-C; Zubeda.Seedat@GRO-C; William.Connon@GRO-C  
**Subject:** RE: Self-Sufficiency and the destroyed papers

Thank you for your prompt reply.

I have discussed with Gerard and William, who were at the meeting with Ministers last night, and we agree that we should proceed as you suggest in the second sentence of your first paragraph: as well as providing an assurance to Ministers about probity etc, it will be very helpful to have an assessment of the content of the files. Do you have any indication of the costs involved?

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25/05/2006 15:14

the destroyed papers

To: Ailsa  
cc: Gidden Mark LSPG Sol LIT  
<Mark.Gidden@GRO-C>  
bcc:  
Subject: RE: Self-Sufficiency and

Dear Ailsa,

Thank you for forwarding the email from William Connon on this matter. In respect of the Documents returned to Sol - (4th para. of the email) I understand our instructions to be that you would like to commission an independent legal expert to examine the returned documents and carry out an initial analysis of what they contain. I have now discussed with Mark Gidden and confirm that we would be able to instruct Panel counsel to carry out this task. One issue that you will need to consider is that you are satisfied that Panel counsel have the necessary degree of independence. Of course they are all members of the independent Bar and not part of the Department but they are included on the Attorney General's list of counsel authorised to carry out Government work.

Secondly, if we go down this route, we will need to consider the precise instructions that we give to counsel covering the nature of the analysis to be undertaken. From our discussion, I understand the task to be identification and description of the documents and assessment as to whether there is any legal reason why they should not be released into the public domain - including whether any of the FOI exemptions or Data Protection requirements may apply - but we will need to receive precise instructions from you on this.

Thirdly, it would also be helpful to provide some background information on the issue

to counsel to set the context and again we would be looking to you to provide this.

if you feel that Panel counsel are not sufficiently independent, the only other suggestion we are able to come up with at this stage is to instruct a High Street firm of solicitors - this would be more expensive as Panel counsel do have agreed and very reasonable rates for our work. The Department will be billed for the fees for this work.

As I am on leave after today until 5 June, I would be looking to receive your instructions on this matter on my return so that we can identify suitable counsel and get the papers to them during that week if possible. In the meantime I am able to confirm that the documents are being held under lock and key.

Finally, I do recognise that these documents are part of a much bigger picture and task that needs to be carried out and you are looking for suggestions as to how this might be done. I note from the background briefing for Lord Warner that a DH( EX?) official, Peter Burgin, was commissioned for 3 months to review paperwork. I don't know if it might be possible for him to continue this task generally, however as I do think that what is needed is to identify a dedicated policy resource to go through all the documents systematically and comprehensively. Having counsel involved in the matter at this stage may reap benefits if there are legal issues to consider arising from the other documents later on.

I hope that this is helpful. If there are any matters that you need to discuss during my absence, Mark is fully aware of the issues.

Regards

Anne Mihailovic  
Sol Lit  
020 [GRO-C]

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