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"Fw: Documents marked legal professional privilege"

File Reference:	FDM/002 Vol 9
File Title:	Freedom of Information - Ad Hoc advice to Divisions & Agencies
Filed by:	Caroline Wyatt/ISD4A/DOH/GB on 14/06/2009 at 11:33
Created by:	Steve Wells/ISD4/DOH/GB on 24/09/2008 at 19:03

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Steve Wells/ISD4/DOH/GB
24/09/2008 19:08

To: Veronica Fraser/POLICY/DOH/GB@**GRO-C**
cc
bcc
Subject: Fw: Documents marked legal professional privilege

Veronica,

I had a think about this - I think we need to know more about the status of the witness report - was it prepared for a court of law or some other process, and the appendices - are they personal correspondence only in the sense that they are written by professor Bloom, or are they **about** Prof Bloom. In either case unlikely to be covered by LPP, as they are not advice from a legal adviser - just hapem to be found in a (legal?) context. If personal data about Prof Bloom, is he/she still alive, and is there any sensitivity about the data. If sensitive, section 40 may apply. If not, I doubt if it would be protected by any exemption.

We can discuss on Fri.

Steve Wells
Information Management and Governance
Information Services

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----- Forwarded by Steve Wells/ISD4/DOH/GB on 24/09/2008 18:58 -----

Laura Kennedy/OIS/DOH

24/09/2008 16:47

To: Veronica Fraser/POLICY/DOH/GB@**GRO-C**

cc Ailsa Wight/PH6/DOH/GB@[GRO-C] Steve
Wells/ISD4/DOH/GB@[GRO-C] William Connon/PD-
PMD/DOH/GB@[GRO-C] Paula.Cohen@[GRO-C]
Elizabeth Woodeson/CQEG/DOH/GB@[GRO-C]
Subject Re: Documents marked legal professional privilege

Veronica,

Thank you for this. I will get back to you about any issues surrounding these papers attached to my first email shortly.

Could I ask your team to look at one more set of documents - we are going to release some documents around this issue that have recently come to light and we need to ensure that we publish any other relevant documents that were found with these and that are not exempt from release under FOIA.

The other set of documents that we are concerned about, in addition to those mentioned in my last email, are the appendices to an expert witness report written by Professor Bloom, a doctor very active in the Haemophilia community, for the 1989 HIV Haemophilia Litigation. The report itself is not within the 1970-1985 range of dates for the documents we are committed to release, however, there are many letters in the appendices that date from 1970 - 1985. This is Professor Bloom's personal correspondence to DH and to other organisations, such as the Haemophilia Society. Is this exempt for release under the FOI act? I would assume that, as with the documents below, section 42 would apply. There are about 200 pages of these appendices so I am hoping you will be able to give me a general answer to this one.

We have not had any response from Lord Archer about when he will release his report. However, we would like to release any necessary documents to the inquiry as soon as possible, and to that end, Liz Woodeson wants to send a submission up to Hugh Taylor by early next week at the latest, so a quick response to both the queries would be greatly appreciated.

I am away Friday and Monday, so please call William Connon on [GRO-C] if anything comes up on those days. Otherwise, please call if you need me to clarify anything.

Kind regards,

Laura Kennedy
PA to Liz Woodeson, Director of Health Protection
Tel: [GRO-C]

Veronica Fraser/POLICY/DOH/GB

Veronica
Fraser/POLICY/DOH/GB
24/09/2008 13:30

To Laura Kennedy/OIS/DOH@[GRO-C]
cc Ailsa Wight/PH6/DOH/GB@[GRO-C] Steve

Wells/ISD4/DOH/GB@GRO-C William Connon/PD-
PMD/DOH/GB@GRO-C
Subject Re: Documents marked legal professional privilege

Laura

Thank you for your email. I will look into this and get back to you as soon as possible. I have asked DH legal Services for advice and it would be most if your policy Branch would review the actual papers and suggest whether from your perspective there are any current sensitivities around the information contained there - people's names, job roles, controversial proposals etc

I understand the Archer Inquiry is late in reporting - do you have an expected date ?

thanks

I am out of the office on Thursday this week

Veronica Fraser
Section Head, Freedom of Information Casework
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Laura Kennedy/OIS/DOH

Laura Kennedy/OIS/DOH

24/09/2008 12:53

To Steve Wells/ISD4/DOH/GB@GRO-C
cc William Connon/PD-PMD/DOH/GB@GRO-C Ailsa
Wight/PH6/DOH/GB@GRO-C Elizabeth
Woodeson/CQEG/DOH/GB@GRO-C Veronica
Fraser/POLICY/DOH/GB@GRO-C
Paula.Cohen@GRO-C Patrick
Hennessy/POLICY/DOH/GB@GRO-C
Subject Documents marked legal professional privilege

Steve,

I just spoke to Veronica Fraser who asked me to email you. The blood policy team has found some documents dated from 1971 to 1985 in a folder marked Legal Profession

Privilege. These documents are legal advice about DH liability related to the issue of contamination of blood and blood products. As you may know, we have made a commitment to publish all relevant documents from 1970-1985 about this, and to provide copies to the Archer Inquiry. I assume that these documents would be exempt from publication as they are legal advice, but I would be grateful if you could advise on this. There is some urgency to this, as if we were to release these documents, we would like to do so before the Archer inquiry reports.

I attach a copy of the documents (19 pages).

Kind regards,

Laura Kennedy
PA to Liz Woodeson, Director of Health Protection
Tel: GRO-C

(Content modified in mailfile prior to filing since first received on **24/09/2008 19:08**.

Last modified in mailfile: **30/03/2009 16:26**)