

Our ref: HA 48/2/111  
Your ref:

**Network Operations (East)**  
Woodlands  
Manton Lane  
Bedford MK41 7LW

[Name and address removed under  
the Data Protection Act]

Direct Line:

22 May 2008

Dear [Name and address removed under the Data Protection Act]

**FREEDOM OF INFORMATION ACT REQUEST  
ORWELL CROSSING LORRY PARK, SUFFOLK**

Further to my letter of 23 April, I am writing to advise you that whilst we do hold information that relates to the restrictions put in place at the Orwell Crossing Lorry Park, I regret to inform you of my decision not to disclose this information.

The information you requested is being withheld in reliance on the exemption in section 42 of the Freedom of Information Act 2000, because there is a very substantial public interest in maintaining the confidentiality of Legal Professional Privilege (LPP) material.

Annex A to this letter sets out the exemption and the reasons for withholding information. In applying this exemption we have had to balance the public interest in withholding the information against the public interest in disclosure. The key public interest factors for and against disclosure are identified in the Annex.

If you are unhappy with the decisions made by us in relation to your request, you may ask for an internal review. A leaflet detailing our internal review process is available. If you require a copy, please phone the Highways Agency Information Line on 08457 50 40 30; or e-mail [ha\\_info@highways.gsi.gov.uk](mailto:ha_info@highways.gsi.gov.uk)

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications

Yours sincerely

Gwyn Drake  
Regional Director

**ANNEX A**

<b>FOIA Exemption S.42 (1) Legal Professional Privilege</b>	
<b><i>Factors supporting disclosure</i></b>	<b><i>Factors supporting non disclosure</i></b>
<ul style="list-style-type: none"> <li>• There is a clear public interest in the work of government being closely examined to encourage the discharging of public functions in the most efficient and effective way.</li> <li>• There is an important public interest in the work of public bodies being transparent and open to scrutiny to increase diligence and to protect the public purse.</li> <li>• There is a public interest in public authorities being accountable for their decision making. Ensuring that decisions have been made on the basis of good quality legal advice is part of that accountability.</li> </ul>	<ul style="list-style-type: none"> <li>• There is a very substantial public interest in maintaining the confidentiality of LPP material, to ensure that the confidential relationship between lawyer and client is protected.</li> <li>• It is in the public interest that decisions taken by government are taken in a fully informed legal context for the effective conduct of government business. The advice needs to be given in context with a full appreciation of the facts.</li> <li>• Legal advice will include arguments in support of final conclusions but also relevant counter-arguments for and against a particular view. This could set out the perceived weaknesses of a Department’s position.</li> <li>• Disclosure of legal advice has the potential to prejudice the government’s ability to defend its legal interests by unfairly exposing its legal position to challenge.</li> <li>• It is in the public interest that the provision of legal advice is fully recorded in writing and that the process of decision making is described accurately and fully. There is a risk that the disclosure of legal advice could lead to that advice not being recorded in full or lead to a reluctance to seek the advice at all.</li> </ul>
<p><i>Reasons why public interest favours withholding information</i></p> <ul style="list-style-type: none"> <li>• There are compelling arguments which support withholding the information which outweigh those supporting release.</li> </ul>	