

FOI Exemptions used by NIAPT

- Public Interest Conditional Exemptions
 - Section 47E (47E(d) and 47E(c))
 - Section 47F
 - Section 47C
- Non-conditional exemptions
 - Section 42

Section 42 – legal professional privilege

- A document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.
- Can you establish a client/legal advisor relationship?
- Was the communication for the purpose of receiving or giving legal advice?
- Has LPP been waived? Only the General Counsel can waive.

FOI Exemptions regularly used by the Department

- Public Interest Conditional Exemptions
 - Section 47E (47E(d) and 47E(c)) – Operations of an Agency
 - Section 47F – Personal Privacy
 - Section 47C – Deliberative
- Non-conditional exemptions
 - Section 42 – Legal Professional Privilege

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FOI Exemptions regularly used by DVA

- Public Interest Conditional Exemptions
 - Section 47E (47E(d) and 47E(c))
 - Section 47F
 - Section 47G
 - Section 47C
- Non-conditional exemptions
 - Section 42
 - Section 34
 - Section 27
- Other Provisions
 - Section 17
 - Section 24A

FREEDOM OF INFORMATION ACT 1982 - SECT 42

Documents subject to legal professional privilege

(1) A document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.

(2) A document is not an exempt document because of subsection (1) if the person entitled to claim legal professional privilege in relation to the production of the document in legal proceedings waives that claim.

(3) A document is not an exempt document under subsection (1) by reason only that:

- (a) the document contains information that would (apart from this subsection) cause the document to be exempt under subsection (1); and
- (b) the information is operational information of an agency.

Note: For ***operational information*** , see section 8A.