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**Derry City & Strabane**  
District Council

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Comhairle  
**Chathair Dhoire &  
Cheantar an tSratha Báin**

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**Derry Cittie & Stràbane**  
Destrict Coouncil

Ref: FOI / 730

17 August 2016

Mr

Email: @yahoo.com

Dear Mr

**Freedom of Information Act 2000 Request Investigation report on Just for Men Hair Dye Product**

I refer to your FOI request as above and respond as follows:

You have requested information under the Freedom of Information Act namely "Could I ask for a copy of the full and in-depth report that I am sure that the Derry/Strabane Council has acquired from your investigations and I request all of this information under the Freedom of Information Act of the year 2000."

I must advise that Council holds the information requested but is of the view that some of the information is exempt. Council has engaged Section 42 of the Freedom of Information Act 2000 relating to legal professional privilege. The information requested contains confidential communication between lawyers and the Council. The Council has therefore decided to partially refuse your request on the grounds that some of the information requested is exempt from disclosure under the exemption to disclosure provided under Section 42.

Where the Council decides that the information requested is exempt from disclosure under Section 42 of the Freedom of Information Act 2000, it must apply what is known as a public interest test. This requires the Council to decide, whether, in all circumstances pertaining to the case, the public interest in maintaining the exemptions outweighs the public interest in disclosing the information.

**Derry**

C/o Council Offices  
98 Strand Road  
Derry  
BT48 7NN

**Strabane**

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47 Derry Road  
Strabane  
BT82 8DY

+44 (0) 2871 253 253  
info@derrystrabane.com  
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f Derry City & Strabane District Council  
@dcsdcouncil

In applying the public interest test the Council gave careful consideration to the arguments for and against disclosure. The arguments that were taken into account in favour of disclosure were:-

- Promote accountability and transparency in relation to the Council's decisions and its spending of public money.
- Assist the public to understand and challenge the Council's decisions;
- The specific circumstances of the case and the content of the information requested in relation to those circumstances;
- Whether the information was already in the public domain; and
- The impact of disclosure upon individuals and the wider public

The arguments which were taken into account in favour of maintaining the exemption were:

- The fundamental requirement to protect confidentiality of legal or legally related communications between lawyers, third parties and their clients. In particular a client's ability to speak freely and frankly with his or her legal adviser in order to obtain appropriate legal advice is a fundamental requirement of our legal system. The concept of legal professional privilege protects the confidentiality of communications between a lawyer and client. This helps ensure complete fairness in legal proceedings;
- The specific circumstances of the case and the content of the information requested in relation to those circumstances;
- The impact of disclosure upon individuals and the wider public;
- The likelihood and severity of harm that disclosure might cause;
- The significance and sensitivity of the information;

Having taken into account the arguments for and against disclosure, the Council has decided that the public interest is best served by maintaining the exemption provided by Section 42 of the Act by not disclosing some of the information requested. Council was not persuaded that the public interest test outweighed the legal privilege exemption and in particular the fundamental requirement to protect confidentiality of legal or legally related communications between a lawyer, their client and third parties.

Council has decided to release information to you, however where the exemption referred to above applies, Council has redacted this information.

If you are dissatisfied with our response you have rights of review and appeal; these rights consist of two review processes.

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Firstly our internal review procedure is available by contacting:

John Kelpie

Chief Executive

Derry City and Strabane District Council

98 Strand Road

Derry BT48 7NN Tel 028 71253253 or email [john.kelpie@derrystrabane.com](mailto:john.kelpie@derrystrabane.com)

Secondly, you can appeal directly by contacting the Information Commissioner at:

Information Commissioner

Wycliffe House

Water Lane

Wilmslow

CHESHIRE SK9 5AF Tel: 0303 123 1113 (local rate) or email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Yours sincerely

**Head of Health & Community Wellbeing**

Encs



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