

**Governance Team**  
**Chief Executive's Office**  
4 Abbey Orchard Street  
LONDON  
SW1P 2BS

DX: 328 London  
T: 020 7783 7000  
F: 020 7783 7633

[www.legalservices.gov.uk](http://www.legalservices.gov.uk)



**Our ref:** FOI-11/5467

**Our E-mail:**

[foi.staff.cf@legalservices.gsi.gov.uk](mailto:foi.staff.cf@legalservices.gsi.gov.uk)

**Date:** 12 August 2011

Dear 

**RE: YOUR FREEDOM OF INFORMATION ACT (FOI) REQUEST**

Thank you for your email of 15 July 2011, which was a follow up to your previous requests for information under the FOI Act for details of legal aid claims made by prisoners whilst serving whole life sentences (references FOI-11/5364 & 5429).

In our previous response we informed you that we would be unable to provide the information requested within the costs limit set out under section 12 of the FOI Act, because your request was widely framed. However we also informed you that if you refined your request by listing the individuals in order of priority, we would then search for relevant information relating to each individual until the costs limit was reached.

You have now provided us with the following list of individuals in order of priority:

**Ian Brady**  
**Peter Sutcliffe**  
**Dennis Nilsen**  
**Jeremy Bamber**  
**Rosemary West**  
**Steve Wright**  
**Levi Bellfield**  
**Donald Neilson**  
**Robert Black**  
**Peter Moore**

*Information disclosed*

I can confirm that we are now able to provide you with some information relating to legal aid claims brought whilst in prison by Ian Brady, Dennis Nilsen, Jeremy Bamber and Donald Neilson.

As explained in our responses to your previous requests, the LSC's information management systems do not allow for the retrieval of information specifically on prisoners serving whole life sentences. However, we have been able to locate in our central information system the case reference numbers for these four individuals where a prison address was given. Where we were able in this system to match the name, prison address and date of birth (and therefore verify their identity), we then retrieved the financial information relating to these case reference numbers.

In **Annex A** you will find details of the cases we were able to locate in our central information system, including the date, description of the proceedings for which the case related to, and the total amount paid over the life of each case.

Please note that cases identified in this system are for closed Civil Representation cases only (representation by solicitors and barristers for civil cases, which could go to court). There may however be other Civil Representation cases which we were unable to identify through this system alone. In addition, this system does not record details of crime cases, which would include those in the Prison Law category. To identify further cases such as these would involve manual research in multiple LSC systems, which as explained previously would incur disproportionate cost.

***The information provided in Annex A should not, therefore, be taken to represent a complete record of legal aid claims brought by these individuals whilst serving whole life sentences.***

Instead, I confirm that this is all of the information that we are able to provide within the costs limit in relation to your original request (reference FOI-11/5364), as follows:

**"I would like to ask about legal aid claims made by the 35 prisoners serving whole life sentences.**

**I would like to ask how many have been granted legal aid for cases they have brought while in prison. What was the total amount paid out in legal aid to the 35?**

**In each case I would like the name of the claimant, what type of legal action they took and when. For example please tell me if they are appealing against their sentence, suing the prison service or whatever.**

**Please tell me who the inmate was taking action against and what the aim of the claim was. In each case how much legal aid was awarded? Please provide the particulars of the application if possible.**

**If the inmate was suing their prison or the prison service please tell me what for. I would like as much detail as possible. The particulars would be great.**

**In each case please tell me if they won their case or if it is still ongoing. If they won compensation please tell me how much.**

**Which of the 35 has been paid the most in legal aid? Please provide amount.**

**Which has been awarded legal aid the most times? Please provide amounts, dates and what it was awarded for.”**

*Information not disclosed*

Information on the cost of legal aid claims brought by Levi Bellfield have already been provided to you in response to a separate FOI request (number FOI-11/5406), which we have attached here at **Annex B** for ease of reference.

We are not able to provide information relating to Peter Sutcliffe, Rosemary West, Steve Wright, Robert Black, and Peter Moore because we were unable either to locate their name in our central information system or to match their name to their date of birth and/or prison address. The only way for the LSC to retrieve information on these individuals would be to search manually for each prisoner across multiple LSC systems which, as explained in our previous response, would exceed the costs limit allowed by the FOI Act.

*Personal data and the public interest test*

As you have requested information relating to named individuals I would like to advise you that in reaching a conclusion over whether to confirm what information was held and to then disclose that information I considered your request in the context of section 40(2) of the FOI Act, which states that information may be exempt from disclosure if it constitutes 'personal data' within the meaning of the Data Protection Act 1998.

The LSC regards the provision of legal aid as being akin to a state benefit and whether or not an individual is in receipt of such benefit and the costs involved is data personal to them as it implies something about a person's financial position. The Information Commissioner has supported this view in a Decision Notice of 23 October 2006 (FS 50076855). In addition, section 40(3)(a)(i) of the FOI Act states that if personal information is requested by a third party and to release that information would breach one of the data protection principles then the information is exempt from disclosure.

The information you have requested is considered by the LSC to be personal data as defined by section 1(1) of the DPA and therefore could have been considered exempt from disclosure as set out above at section 40(2)(a). In addition we considered that the first data protection principle of fair and lawful processing could have been breached by disclosure as the data was not gathered with the intention of publication.

The applicable elements of section 40 in this instance were subject to a public interest test as this is a qualified exemption. This means that whilst it was our view that section 40(2) and (3) were applicable we had to consider where the balance lies in terms of the wider public interest.

In this instance we are aware that the crimes for which the individuals in question were convicted and the sentences that they received have been subject to significant press and public interest. As such it may be initially considered that the wider public interest would be served by the release of the information held. There is, however, a difference between public interest and what simply may be of interest to the public and it is an important distinction in the context of considering the use of this exemption. High-profile cases such as these would not automatically lead to the

disclosure of the information held and in our role as a data controller we need to ensure we adequately protect the personal data that we hold.

In reaching a conclusion we considered the total costs as these have some bearing on disclosure given the cases were publicly funded. As a public body the LSC recognises its responsibilities not only to the clients whose cases we fund but also to the public. It is important that we strike an appropriate balance between data protection and operating with openness and transparency in relation to the use of public funds. On account of the total costs amount and the already well-publicised nature of the cases involved we concluded that there was a strong public interest argument in this instance for details to be disclosed.

### **Right to review**

As part of our obligations under the FOI Act, the Commission has an independent review process. If you are dissatisfied with the handling of your request, you have the right to ask for internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: Legal Director, Legal Department, Legal Services Commission, 4 Abbey Orchard Street, London SW1P 2BS.

If you are not content with the outcome of the internal review, you have a further right of external appeal which can be made to the Information Commissioner who can be contacted at the following address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

If you have any queries about this letter, please contact us at the above address. Please remember to quote the reference number above in any future correspondence.

Yours sincerely,

**Governance Team**  
**Chief Executive's Office**  
**Legal Services Commission**