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Date: 21 July 2011

Dear 

RE: YOUR FREEDOM OF INFORMATION ACT (FOI) REQUEST

Thank you for your email of 25 June 2011.

You have requested the following information under the FOI Act:

“I would like to ask how much legal aid has been claimed by Levi Bellfield since his arrest in 2004? Please provide a breakdown of costs for his solicitor fees as well as costs for his trials in 2008 and 2011.”

I can confirm that Levi Bellfield received legal aid for both his 2008 and his 2011 trials, although we do not yet hold information on costs for his 2011 trial as this case has not yet been billed.

We are therefore providing you with a breakdown of costs for the 2008 trial and general figures for the amount of legal aid Levi Bellfield received through the Crime Lower¹ Criminal Defence Scheme whilst represented by Maclaverty Cooper Atkins.

Figures obtained from our Complex Crime Unit show that total payments in criminal proceedings at the Crown Court for the 2008 trial were £2.04 million. In addition, our records show that whilst represented by Maclaverty Cooper Atkins, Levi Bellfield received a total of £14,145 in legal aid through the Crime Lower Criminal Defence Scheme. These costs have been broken down in the following table:

¹ The types of funding covered by Crime Lower include police station attendance and other police station work, court duty solicitor work and prison law.

Year of Crime Lower Case	Case ID	£
2004-05	300305/004	713.3
2004-05	161204/002	804.66
2005-06	171005/002	289.24
2005-06	160305/001	818.66
2005-06	070405/001	2689.57
2005-06	040705/001	1647.16
2006-07	071204/001	6868.44
2007-08	190208/002	313.54

Please note, Levi Bellfield may have received legal aid from other solicitors but without knowing the name of the firms we would be unable to search our systems. In addition please be advised that the costs above may not relate solely to the case specified.

Personal Data

As you have requested information relating to a named individual 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) and (3) of the FOI Act.

Under section 40 the Act sets out the following:

“(2) Any information to which a request for information related is also exempt information if –

- (a) it constitutes personal data which do not fall within subsection (1²), and*
- (b) either the first or second condition below is satisfied.*

(3) The first condition is –

- (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public under this Act would contravene –*
 - (i) any of the data protection principles, or*
 - (ii) section 10 of that Act (right to prevent processing likely to cause damaged or distress)”.*

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).

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.

² Subsection 1(1) refers to data that is personal to the individual who is actually making the request. Any such requests would be refused under the FOI Act and handled under the terms of the Data Protection Act 1998.

Public Interest

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 individual in question was convicted of a crime that received significant press and public interest and 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. A high-profile case such as this 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 case was 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 costs amount and the already well-publicised court case 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