The Information Commissioner has issued an Enforcement Notice under the Freedom of Information Act which requires the Attorney General’s Office to reveal information regarding the military intervention in Iraq.

Following the denial of requests for access to information on the Attorney General’s advice regarding the decision to go to war in Iraq, the Commissioner is not satisfied that the exemptions cited by the Government are sufficient to merit the refusal of access to all the information requested.

On 22nd May 2006, the Information Commissioner’s Office issued the Enforcement Notice against the Legal Secretariat to the Law Officers of the Attorney General’s Office (‘LSLO’).

The Notice follows requests for information made by various (mostly media) organisations to LSLO for access to information relating to ‘the advice given by the Attorney General to the Prime Minister and/or his staff on the legality of military intervention in Iraq in 2003.’

The requests were originally refused by LSLO on several grounds including legal professional privilege, formulation or development of government policy, ministerial communications, international relations and information provided in confidence.

The Commissioner has confirmed that the documents requested are in the possession of LSLO. He has also confirmed that he has seen the documents. Although he is satisfied that one or more exemptions do properly apply to the information contained in those documents, certain of the exemptions are qualified by the ‘public interest’ test—the Commissioner felt that the public interest was best served by disclosure of some of the information.

According to Hazel Moffat, Partner at DLA Piper, “the Commissioner has taken a bold political decision but legally it has to be the correct one.”

The Commissioner states that he “recognises the (Continued on page 15)