



The Law Society

Freedom of Information – Code of practice

Adopted by the Law Society in March 2017

Introduction

1. The Law Society believes in being open about what we do, and we make a lot of information publicly available. Our website (www.lawsociety.org.uk) is the main way we promote our activities and you can find a lot of detail there about the way we work and the information we hold.
2. This information code of practice (the code) is about how the Society as a membership body handles individual requests for information. It tells you how you can get information from us and the sort of information we may be unable to let you have. The Law Society helps our current and future members by:
 - Providing support, advice and guidance on areas of practice and management, tailored to members' individual needs
 - Supporting equality, diversity and inclusion within the legal profession, enabling and encouraging the best people to join regardless of their background
 - Campaigning on legal issues of importance to our members and the public.
3. Please note this code does not apply to information held by the Solicitors Regulation Authority (SRA). If you are interested in information the SRA may have, you should refer to their website for further information (www.sra.org.uk).

The principles of our code

4. The Law Society is not a designated public authority under the Freedom of Information Act 2000 so is not subject to the provisions of the act. We recognise, however, that members of the public may be interested in the information we hold and this code sets out how we will deal with requests for information.
5. One of the key elements of good administration is to be open and accountable. We therefore welcome the rights of access to information set out in our code and we are committed to publishing a wide range of information about our own activities as well as other subjects which may be of interest to the profession and the public.

6. We aim to make as much of our information available as possible on our website www.lawsociety.org.uk.
7. If you can't find what you're looking for on our website we will try to help. In doing so, we will aim to disclose the information you ask for unless we believe there are good reasons not to. Subject to the limitations set out in paragraph 17 of this code you have the right:
 - To be told whether we hold the information you want, and if so
 - To be sent that information, where possible in the format you have requested.

What our code does not cover

8. Our code does not cover books and electronic publications we produce and sell commercially. Our website lists the publications available, how much they cost and how you can buy them. We also do not provide information in response to requests under the code which in our view constitute requests for legal research.

What does 'information' mean?

9. Our code covers all information we currently hold, whenever it came into existence, and whether it is kept on paper or stored electronically. Information includes, for example, agendas, minutes or other papers prepared for our council, boards or committees, consultation documents, and reports.

Does it cost anything to get information under the code?

10. We will not normally charge for giving you the information you ask for if it is easily available from our systems and not subject to a specific fee (e.g. the price of a book). However, in some circumstances we may ask you to cover our reasonable costs for providing the information, for example if you ask for information in writing and our photocopying costs exceed the government's 'reasonable costs' guidance.

How to make a request for information

11. Before asking for information, consult our website www.lawsociety.org.uk. If you cannot find what you need or the information is not mentioned, you can email or write to our Information Compliance Manager and ask for it.
12. Alternatively, if you are unable to write or e-mail us, you can telephone us. However we will write to you and ask you to confirm our understanding of your request before we start work. You can find all of the necessary contact details at the end of this code.

How we deal with requests for information

13. We will confirm receipt of your request within seven working days. We will also tell you within that time whether we have the information you have asked for.

14. If we do have the information, we will aim to send you a copy within 20 working days from when we received your request. If we hold it electronically, we will email it to you. We may send you a photocopy if the information is held in printed format and we are unable to convert it into an electronic format for you. We will send you a printed copy of the information if we do not have an email address for you.
15. On occasion information requests may require us to consult 'third parties' (including other organisations) to see if we can release the information to you. Alternatively, we may think it best to transfer your request to another organisation to respond to you. Where we decide to do this, we will first ask them if they actually hold the information you've asked for and let you know what is happening as soon as we get a reply.
16. If you would like to receive the information in a specific format please let us know how you would prefer us to respond when you first ask for the information. We will carefully consider your request and try to help, but we cannot guarantee being able to meet your needs if they are felt to be disproportionate or costly. If we do not think we can meet your requirements, we will let you know as soon as possible and see if an alternative can be arranged.

Limitations

17. There may be circumstances which mean we are unable to release certain information to you. Some examples of where we will not issue information to you are provided below. For example, if in our view;
 - a. You can reasonably be expected to find the information by other means, for example on the internet or in a publication in a library
 - b. The information has been given to you already
 - c. We consider that our anticipated costs to meet the request are disproportionate and/or outside of any published government guidance
 - d. We consider the request to be 'vexatious', in other words considered by us to be unreasonable or designed simply to be a nuisance
 - e. We are due to publish the information you have asked for anyway and it is reasonable for it not to be released until then. For example, so that we can check it or prepare how to publicise it effectively
 - f. It is about specific investigations, complaints disciplinary cases or applications arising from our processes or work
 - g. It is about work we are doing or have done e.g. to develop our policies or positions, where we think that giving the information would hamper the free and frank exchange of views or harm the effective conduct of our activities
 - h. It is about appointments by the President of the Law Society of arbitrators and experts in specific cases (but we will supply general information about our procedures)
 - i. It is information which is subject to legal professional privilege (see paragraph 22).

- j. Disclosing the information could harm the commercial interests of any organisation or person (including our own commercial interests), including intellectual property rights.
 - k. The information was given to us in confidence
 - l. The request is for personal data (in which case we will comply with the obligations of the Data Protection Act 1998).
18. If we think any of these limitations apply we will let you know as soon as possible but no later than 20 working days from the date we receive your request.
19. We will also explain why we feel unable to provide the information you have asked for. If you are unhappy with our response you have the option to ask us to reconsider. Please see paragraphs 23 to 25 for information on how to do this.

Copyright

20. Copyright in our commercial publications is usually owned either by us or the author(s). The normal law of copyright applies to them under the Copyright, Designs and Patents Act 1988. We reserve any legal rights we may have over information we provide to you under the Code.
21. When we seek legal advice from an external lawyer, we may ask that copyright in the advice is transferred to us. Such advice, if the copyright is given to us, may be made available under this Code, unless we wish to claim that legal professional privilege applies, when we may refuse to disclose it.

What is legal professional privilege?

22. 'Legal professional privilege' stops certain communications between a professional legal adviser and their client being disclosed, even to a court of law. The term 'professional legal adviser' includes a number of different types of legally qualified people such as qualified solicitors, barristers and licensed conveyancers.

What to do if you are unhappy with our response to your information request

23. If you're dissatisfied with how we have responded to your request for information you should first discuss your concern with the person who dealt with your request.
24. If this informal discussion doesn't sort things out for you, we will arrange for a more senior and independent member of staff to review your concern.
25. If you would like someone to do this, please contact the Head of Risk and Assurance by writing or sending an e-mail to:

The Society's Head of Risk and Assurance
The Law Society
113 Chancery Lane
London WC2A 1PL

Informationcompliance@lawsociety.org.uk

Alternatively you may telephone the Risk and Assurance Office on 020 7320 5629

Independent review process

26. The Head of Risk and Assurance will nominate an independent person within the Law Society to review your concern. By independent, we mean someone who has not been previously involved in your request. This person may need to contact you to confirm the nature of your concern. Once they have done so, they will contact you within 20 working days and let you know what will happen.
27. The decision of the independent reviewer is final and there is no further avenue for appeal. It is also important for you to note that as this is a voluntary code, the Information Commissioner is unable to consider your complaint.

Data Protection Act

28. You may be entitled under the Data Protection Act to ask for a copy of personal information we hold about you. Please send any request for information under the Data Protection Act to the Information Compliance Manager.

Review of the Code

29. We will keep this Code under review and the Information Compliance Manager will welcome your comments about it.

The Information Compliance Manager's address is –
The Society's Information Compliance Manager
The Law Society
113 Chancery Lane
London WC2A 1PL
Tel: 020 7320 5629
Informationcompliance@lawsociety.org.uk