



The Law Society

## Freedom of Information – Code of practice

Adopted by the Law Society Council in February 2005

Last updated September 2006

### Introduction

1. We believe in being open about what we do, and we make a lot of information publicly available. Our website ([www.lawsociety.org.uk](http://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.
2. This Code is about how we will handle individual requests for information. It replaces the one we introduced in 2001 and tells you how you can get information from us. It also tells you about the sort of information we may be unable to let you have.

### The Freedom of Information Act

3. The Freedom of Information Act 2000 (we call it 'the Act' in this document) says that public bodies (including some professional bodies) have to allow access to the information they hold, unless there are proper reasons not to release it. We expect the Act to be extended to apply to the Society. Even though the Act does not yet apply to us, we are following it as if it did, and this Code should be read on that basis.

### The Society's roles

4. The Society has two main roles. One is to *regulate* solicitors in England and Wales: basically to make and enforce rules about how people can become solicitors and how solicitors should conduct their business and behave. Examples are
  - Deciding the training people must have before they can qualify as solicitors
  - Certifying solicitors to practise each year
  - Laying down rules solicitors must follow in their practices
  - Dealing with complaints against solicitors.

5. The other role is to *represent* the profession: to speak up for solicitors as a whole, and to comment for them on ideas for changing the law or the way the courts work. Examples are
- Commenting on Bills or White Papers from a technical point of view
  - Helping solicitors develop their skills and promote their practices
  - Providing information services to solicitors to help them keep up to date and find information they need to help clients
  - Representing solicitors in discussions with the Government and public bodies like the Legal Services Commission.

### **What the Code covers**

6. When it applies to the Law Society, the Act will require us to release information about our *regulatory* role. But we are happy to let you have information about our *representative* role too, so this Code applies to both, and we will treat requests for both in the same way. We will also give you any general information you ask for about the Society and the way it works, though you will usually be able to find it on the website.

### **What the Code does not cover**

7. This 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.

### **What does 'information' mean?**

8. The 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.

### **What it costs to get information from us**

9. We will not normally charge for giving you the information you ask for. In exceptional cases, if we think we need to charge you a fee we will tell you why and what the charge will be, so that you can decide if you want us to go ahead. If we do make a charge, it will be within the limits set by Government regulations.

### **How to make a request for information**

10. The best way to see what information we hold, and how you can access it, is to read the Publication Scheme on our website [www.lawsociety.org.uk](http://www.lawsociety.org.uk). If you would prefer a printed copy, please tell us and we will send you one. If you want specific information not mentioned in the Publication Scheme you can email or write to our Information Compliance Manager and ask for it. You can find contact details at the end of this Code.

11. Our Information Compliance Manager can also help you with any queries about this Code.

### **How we deal with requests**

12. If you email or write to us asking for information 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.
13. If we do have the information, we will aim to send you a copy within 20 working days from when we got your request. We will send you a photocopy if the information is printed. If we hold it electronically, we will email it to you. We will send you a printed copy if we do not have an email address for you.

### **Exceptions**

14. The Act allows us *not* to release information in any of these situations -
  - 14.1 If you can reasonably be expected to find the information by other means, for example in a publication in a library.
  - 14.2 If the information has been given to you already.
  - 14.3 If your request is 'vexatious', in other words wholly unreasonable or designed simply to be a nuisance.
  - 14.4 If we aim to publish the information you have asked for within 30 days 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.
  - 14.5 If it is about specific investigations, disciplinary cases or applications arising from our regulatory role (but we will supply general information about our procedures).
  - 14.6 If 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).
  - 14.7 If it is about work we are doing or have done to develop our policies, where we think that giving the information would hamper the free and frank exchange of views or harm the effective conduct of public affairs.
  - 14.8 If it consists of advice from the Society's legal advisers relating to court action we are or may be involved in, or other legal issues affecting us, and its release would harm our legal interests (this is called 'legal professional privilege').
  - 14.9 If disclosing the information could harm our commercial interests or those of anyone we may have a commercial relationship with.
  - 14.10 If the information was given to us in confidence and giving you the information would put us at risk of legal action either for breaking a confidence or for breaking a contract.

15. If we think any of these exceptions applies, we will send you a notice (what the Act calls a 'refusal notice') saying why we feel unable to give you the information you want. If that happens, you have the right to take the matter further (see the next section below).
16. There is one other area where the law says we must *not* release information. If you ask us for details of a personal nature about someone else, the Data Protection Act 1998 says we cannot let you have it. This is to protect other people's privacy. We will explain this if we have to refuse your request.

### **What to do if you think we have denied you information unreasonably**

17. Until the Act applies to us, our independent Freedom of Information Adjudicator will deal with all disputes arising under the Code. After the Act applies to us, the Adjudicator will still deal with disputes about information on our non-regulatory role. We will normally accept the Adjudicator's decisions, but, exceptionally, our Council may decide not to accept his adjudication. In this event, we will still publish the Adjudicator's decision and the Council's reasons for not accepting it.
18. The Adjudicator will decide the case on the basis that you should be given the information you want unless we can show why, under this Code, you should not have it. In the case of regulatory information, the Adjudicator will consider whether the public interest requires us to give you the information, which is the test the Act uses. The Adjudicator's decision will be sent to you and the full text will be on our website.

### **Copyright**

19. Copyright in our commercial publications is 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.
20. When we seek legal advice from an outside lawyer, we normally insist that copyright in the advice is transferred to us. Such advice, if the copyright is given to us, will be available under this Code, unless we wish to claim that legal professional privilege applies, when we may refuse to disclose it.

### **Data Protection Act**

21. You may be entitled under the Data Protection Act to demand 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**

22. We will keep this Code under review and the Information Compliance Manager will welcome your comments about it. We also welcome your comments on any improvement you think we could make to our website to help you find what you are looking for.

23. 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](mailto:Informationcompliance@lawsociety.org.uk)

Note: this Code is not a full guide to the Freedom of Information Act 2000. If you want to know more about it you should look at the Act (you can find it on the Office of Public Sector Information website ([www.opsi.gov.uk](http://www.opsi.gov.uk)) or in a public library) or take professional advice.