



The Law Society

Adjudication in a matter raised by Mr N Mahmoud

Law Society Freedom of Information Code

November 2010

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supporting
solicitors

1. The issue

Whether the Law Society acted appropriately in accordance with its Freedom of Information Code when it refused to give Mr N Mahmoud copies of exchanges between the Solicitors Regulation Authority (SRA) and a firm of solicitors against whom Mr Mahmoud had made a complaint.

2. The background

On 13 August 2010, in the course of continuing correspondence with a caseworker at the SRA, Mr Mahmoud cited the Freedom of Information Act and asked to be given copies of communications between the SRA and a firm of solicitors, known here simply as L&Co., against whom he had made a complaint. The caseworker referred his request to the Law Society's Information Compliance Manager, Mr Bob Stanley. On 10 September Mr Stanley wrote to Mr Mahmoud to say that the Society was withholding the information because section 16 of the Society's Freedom of Information Code ("the Code") said that personal information about someone else must not be released. Mr Stanley said that to do so would be a breach of the Data Protection Act 1998 (DPA).

Mr Mahmoud wrote back, saying that the Law Society and the SRA had together thought up a way of denying him the information, and the Society could be accused of a cover-up on what he called law-breaking solicitors. He repeated his request and gave the Society one week in which to respond.

On 27 September Mr Stanley replied, repeating the Society's position and informing Mr Mahmoud that, under the Code, he had the right to seek adjudication. Mr Mahmoud answered immediately and, while expressing scepticism about the independence of the adjudicator, he appeared to invite adjudication. On 28 September Mr Stanley provided me with the relevant exchanges of emails between Mr Mahmoud and the Law Society. On 1 October I invited the Society to make a submission in support of its decision to withhold the information requested, and I invited Mr Mahmoud to make a submission if he wanted to do so.

3 Submission by Mr Mahmoud

On 2 October Mr Mahmoud replied, saying that he would like the information because a solicitor at L&Co. had caused him severe harm. He said that a number of solicitors were involved in a fraud and that the matter would be passed to Parliament and the press. He wondered why the SRA caseworker was trying to hide information, because sooner or later his and the solicitor's name would be passed to what Mr Mahmoud described as all government organisations.

Mr Mahmoud said he needed to know what the solicitor was saying (to the SRA). Mr Mahmoud said he had had no life since 2001, and that the solicitor had caused him loss of all his life savings. He had found that the legal system had let him down and was failing to prosecute the person responsible.

Mr Mahmoud asked what statement he could make (to assist the adjudication), because he wanted to get justice. He asked why society was treating him in this way when he had followed all the rules and laws of this country and worked hard, only to be caused damage by a solicitor who was being defended by the SRA and the Law Society.

Mr Mahmoud provided a copy of an email he had sent to a number of people, including those he believed had been guilty of fraud against him. Its contents, though they explain why Mr Mahmoud feels so strongly about what has happened to him, are not germane to the issues which I need to determine under the Code.

4. Further enquiries

While awaiting the Law Society's submission, on 4 November I attended the Society's offices and read all the documents it said fell within the scope of Mr Mahmoud's request. Although it appeared to me that the file in which they were held was structured in such a way that any personal data it might contain would be covered by the DPA I was not convinced that it did indeed contain personal data. Although it contained the name and address of the solicitors concerned that seemed to me more likely to be regarded as professional rather than personal data. I therefore invited the Law Society to reconsider its position.

Mr Stanley wrote to Mr Mahmoud on 15 November to say that, though the Society had initially taken the view that the requested information contained personal data relating to the subject solicitor, it had since reconsidered this decision and decided that the information was not exempt from disclosure under the Code. Mr Stanley therefore provided Mr Mahmoud with the information he had requested.

6. Adjudication

The information having been belatedly released by the Law Society there is no need for me to make a determination in this case.

Richard Ayre

Freedom of Information Adjudicator

15 November 2010