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## INFORMATION RELEASED UNDER THE FREEDOM OF INFORMATION ACT

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Information released title	LLUK – Chair and Chief Executive
Original request	Detailed below
Date of release	30.10.2009
Requester type	Legal

**ORIGINAL REQUEST:**

**Request for information under the Freedom of Information Act 2000 ("the Act") relating to the re-licensing of Lifelong Learning UK ("LLUK") from March 2010 ("the License")**

Further to our recent correspondence and request dated 25 August 2009, please treat this letter as a formal request for information under the Act.

**Request for Information**

Please provide all recorded information held by the UK Commission for Employment and Skills ("the Commission") relating to, focussing on and/or otherwise identifying either Sir David Melville, Chairman of LLUK, and/or Mr David Hunter, CEO of LLUK (and specifically including any e-mails from and to the Commission) regarding the professional performance, competency, qualifications and/or other opinions of these individuals in a personal and/or professional capacity - in relation to LLUK and/or the renewal or non renewal of the license.

Please state what recorded information is held by the Commission and make copies of all recorded information available.

**Personal Data**

I do not believe that this request falls within section 7 of the Data Protection Act 1998 because the individuals are senior public facing individuals at a public body and this focuses on their professional life rather than their individual privacy. Please find attached the signed written consents from Sir David Melville and David Hunter authorising you to disclose this information to Eversheds.

However, should you feel that our request should be treated as a subject access request (in whole or in part) and should you require the payment of the fee permitted by the aforementioned statute before you can provide the requested information, please do let me know urgently. You can contact me directly on the telephone number above.

**Urgent Nature of this Request**

I look forward to hearing from you promptly, as required by the Act. Please note that this information is required urgently to allow our client to properly understand and if

necessary to contest the decision not to grant it a renewal of the License. I would therefore be grateful if you could provide this information as soon as possible and in any case within 20 working days following the date of this letter.

If, at any time, you feel that you will not be able to comply with the statutory deadline, please notify us in advance, providing your reasons for delay by specific reference to the Act.

### **Format of Information**

I would be grateful if you could supply this information electronically to me at [REDACTED]

### **Clarification of Request**

Please can you confirm your receipt of this letter? If you require any clarification of the requests detailed above, please do not hesitate to contact me on the number listed above and I will make every effort promptly to assist you to deal with your request as fully as possible.

We hope that, should the Commission believe consideration of the public interest is necessary prior to making its decision regarding disclosure of the above information, it will see fit to decide that disclosure would be in the public interest. Should the Commission decide not to disclose in full the information requested, we would hope the Commission would, in the spirit of the Act, provide a detailed response setting out its consideration of the matters for and against disclosure in this regard, so that we can better understand the reasoning behind the decision(s) made.

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### **INFORMATION RELEASED:**

Please find enclosed information we are releasing under the Freedom of Information Act as per your request dated 2 October 2009. Many of the attachments are part redacted and a breakdown of the redactions is as follows:

<b><u>Document number</u></b>	<b><u>Reason for redaction</u></b>
7	Contains reference to and names other SSCs – not within scope of request
8	Contains reference to and names other SSCs – not within scope of request
10	Data protection issue: contains personal information not relevant to LLUK (section 40 (2) of the Act)
12	Contains reference to and names other SSCs – not within scope of request
12 annex 1	Contains reference to and names other SSCs – not within scope of request
12 annex 2	Contains reference to and names other SSCs – not within scope of request
12 annex 3	Contains reference to and names other SSCs – not within scope of request

- 13 Data protection issue: contains personal information not relevant to LLUK (section 40 (2) of the Act)
- 14 Data protection issue: contains personal information not relevant to LLUK (section 40 (2) of the Act)
- 15 Contains reference to and names other SSCs; contains reference to Government meetings not relevant to the scope of the request
- 17 Data protection issue: contains personal information not relevant to LLUK (section 40 (2) of the Act)
- 18 Data protection issue: contains personal information not relevant to LLUK (section 40 (2) of the Act)
- 21 Data protection issue: contains personal information not relevant to LLUK (section 40 (2) of the Act)

I can confirm that we are withholding 2 emails which are correspondence between the UK Commission and our legal advisers. We are exempting these under section 42 of the Act which relates to legal professional privilege. We have applied the public interest test and concluded that the information should be withheld as:

- there is a public interest in decisions by the UK Commission being taken in a fully informed legal context;
- we require legal advice for the effective performance of our operations and that advice must be given by lawyers who are fully apprised of the factual background;
- our legal advisors must be able to present the full picture, which will include arguments in support of their final conclusions and arguments which may be made against these;
- without such comprehensive legal advice, our decision making may be compromised because it would not be fully informed;
- disclosure of legal advice could materially prejudice our ability to protect and defend our legal interests, and
- disclosure might unfairly expose a legal position to challenge and diminish the reliance which may be placed on the advice.

In our view, the public interest therefore supports reliance on the exemption under section 42 of the Act.

If you are unhappy with the way your request for information has been handled, you can request a review by writing to the Head of Secretariat Services at the above address. If you remain dissatisfied with the handling of your request or complaint, you have a right of appeal to the Information Commissioner at:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Telephone 08456 30 60 60 or 01625 54 57 45, Website: [www.ico.gov.uk](http://www.ico.gov.uk)

There is no charge for making an appeal.

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To view the documents, please contact [lisa.race@ukces.org.uk](mailto:lisa.race@ukces.org.uk)