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**From:** Nick Smith  
**Sent:** 03 December 2009 16:01  
**To:** Alastair MacLean  
**Subject:** Legal Advice Release

Alastair

Hope week one has not been too traumatic so far. However, would appreciate a few minutes of your time to bring you up to speed on an issue which could have ongoing reporting ramifications. In short, CEC has twice been on the losing side of an argument with the Information Commissioner re waiver of legal privilege (I was not fully involved unfortunately).

The implication here is that summarising legal advice in Council reports (as often happens) could lead to further wholesale release of legal opinions.

The issue has been bubbling around in the background for a while now but is perhaps about to blow up as a result of a recent Cllr Burn's motion on the 1 Dec Policy & Strategy report which was finally pulled.

Whether or not the issue is indeed mentioned in the 17 Dec Council report on trams, it is a live issue which you should be aware of. Jim is currently awaiting a decision on another similar case which may solve the problem, but in the meantime the extant decisions may have serious consequences.

I can explain further rather than bore you with details by email.

Kind regards

Nick

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*Please note that I am not in the office on a Monday*