

## ***Dr Christopher Lamb v IC***

**EA/2006/0046**

**16<sup>th</sup> November 2006**

### **Cases:**

#### **Facts**

The Appellant sought disclosure of three items of information relating to advice given by the Attorney General to the Government regarding the Iraq war. The Cabinet Office replied stating that some of the information was already in the public domain, some of the information was exempt from disclosure and some of the information requested was not held therefore they could not disclose the information.

The IC commented that the Appellant's request was rather unclear, however, it appeared to have been interpreted by the Cabinet Office as a request for information about advice given by non-Government advisers on the legality of war in Iraq. The IC was satisfied that no non-Government advisers were asked to advise the Attorney General on whether the conflict in Iraq was lawful. Therefore, he was satisfied that the Cabinet Office did not hold the information requested by the Appellant.

#### **Findings**

The Cabinet Office should have asked the Appellant to provide more particulars about his request in order to identify the precise information requested. S.16 imposes a duty on a public authority to provide advice and assistance to those seeking information. In the view of the Tribunal this included an obligation to advise and assist an applicant on the formulation of an appropriate request. They noted that the Tribunal should also, where appropriate, seek further information under s.1(3).

#### **Conclusion**

The Tribunal found that the Information Commissioner was wrong in law in issuing a Decision Notice upholding the Cabinet Office's determination that they did not hold any information of the type purportedly requested. They observed that the case shows the dangers necessarily inherent in a public authority failing to address the true nature of a request allowing it to be transformed into something other than what may have been thought to be its original ambit and purpose. They held that there was a failure on the part of the Information Commissioner to take into account properly or at all the admitted lack of clarity in the complainant's original request.