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Our ref: 2310066

4th April 2022

Dear ####

We write further to your request which was received on 8 March 2022 and which states:

- "1 Dispute Cases: How many dispute cases are being defended, year on year for the last 7 years. Cost of each case to date and any payouts?
- 2 Legal Fees: How much has IOMPO paid out in Legal fees, defending cases brought forward by currently serving and ex staff members in the last 7 years?
- 3 Breakdown of Costs: Can you give a breakdown of those costs over the last 7 years for those legal fees, case by case?
- 4 Costs from February 2022 to 4th March 2022: What 'quotes' have the Isle Of Man Post Office been given by Advocates to defend any current legal cases?
- 5 Defending/Lost: How many cases have the IOMPO successfully defended in Tribunal and how many cases have the PO lost?
- 6 Breakdown: Can you give a breakdown of those cases, successfully defended and lost, year by year?"

Our response to your request is as follows:

1 Dispute Cases

How many dispute cases are being defended, year on year for the last 7 years. Cost of each case to date and any payouts?

While our aim is to provide information whenever possible, under section 20 of the Act, we are not required to provide information in response to a request if it is already reasonably accessible to you, whether free of charge or on payment of a fee.

All of the information that you have requested is available from:

- current cases www.courts.im/court-procedures/tribunals-service/schedule-of-tribunal-hearings/
- last 7 years and any award www.courts.im/court-procedures/tribunals-service/tribunals/

1b Dispute Cases

Cost of each case to date and any payouts?

2 Legal Fees

How much has IOMPO paid out in Legal fees, defending cases brought forward by currently serving and ex staff members in the last 7 years?

3 Breakdown of Costs

Can you give a breakdown of those costs over the last 7 years for those legal fees, case by case?

4 Costs from February 2022 to 4th March 2022

What 'quotes' have the Isle Of Man Post Office been given by Advocates to defend any current legal cases?

While our aim is to provide information whenever possible, in this instance the information is exempt from disclosure under section 40 of the Act as it is information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. As section 40 is a qualified exemption, it is subject to a public interest test. The public interest must be something that is of serious concern and benefit to the public at large. The matters which were considered in applying the public interest test are as follows:

Factors in favour of disclosure

- We recognise there is a general public interest in disclosure of information in the interests of openness, and fairness and which would facilitate the accountability and transparency of public authorities for decisions taken by them. We also recognise the public interest in providing this information may help build greater public confidence in our processes
- Part of the request concerns financial details connected with private companies providing services to Isle of Man Post Office (IOMPO). IOMPO acknowledges that the provision of such services and their cost is of public interest and that there is therefore, an argument to be made that there is a strong public interest in the information being made available

Factors in favour of withholding

- The age of the information has been considered and some of the information is current, the supplier's commercial interests could be more likely prejudiced
- Decisions by public authorities must be taken in a fully informed legal context
- Authorities require legal advice for the effective performance of their operations and that advice must be given by lawyers who are fully apprised of the factual background
- Disclosure of legal advice (including commercial arrangements) could materially prejudice an authority's ability to protect and defend its legal interests
- Disclosure might unfairly expose a legal position to challenge and diminish the reliance which may be placed on the advice

In taking these factors into account the IOMPO determines that the factors in favour of maintaining the exemption outweigh those promoting a full disclosure.

To provide advice and assistance, IOMPO can confirm their total legal costs across all business areas was previously published under FOI 1856327 – published 8th July 2021 available from <https://services.gov.im/freedom-of-information/search>. Total legal costs for 201/22 is nil.

5 Defending/Lost:

How many cases have the IOMPO successfully defended in Tribunal and how many cases have the PO lost?

6 Breakdown:

Can you give a breakdown of those cases, successfully defended and lost, year by year?"

While our aim is to provide information whenever possible, under section 20 of the Act, we are not required to provide information in response to a request if it is already reasonably accessible to you, whether free of charge or on payment of a fee. All of the

information that you have requested is available from www.courts.im/court-procedures/tribunals-service/tribunals/

Please quote the reference number 2310066 in any future communications.

Your right to request a review

If you are unhappy with this response to your freedom of information request, you may ask us to carry out an internal review of the response, by completing a complaint form and submitting it electronically or by delivery/post.

An electronic version of our complaint form can be found by going to our website at <https://services.gov.im/freedom-of-information/Review> . If you would like a paper version of our complaint form to be sent to you by post, please contact me and I will be happy to arrange for this. Your review request should explain why you are dissatisfied with this response, and should be made as soon as practicable. We will respond as soon as the review has been concluded.

If you are not satisfied with the result of the review, you then have the right to appeal to the Information Commissioner for a decision on;

1. Whether we have responded to your request for information in accordance with Part 2 of the Freedom of Information Act 2015; or
2. Whether we are justified in refusing to give you the information requested.

In response to an application for review, the Information Commissioner may, at any time, attempt to resolve a matter by negotiation, conciliation, mediation or another form of alternative dispute resolution and will have regard to any outcome of this in making any subsequent decision.

More detailed information on your right to a review can be found on the Information Commissioner's website at www.inforights.im.

Should you have any queries concerning this letter, please do not hesitate to contact me.

Further information about freedom of information requests can be found at www.gov.im/foi.

I will now close your request as of this date.

Yours sincerely

FOI Co-ordinator