

Financial Services Authority

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FSA[®]

27 January 2005

Mr Evan Owen
IFA Defence Union
Preswylfa
Dyffryn Ardudwy
Gwynedd
LL44 2EH

Our Ref: FOI0001

Your Ref:

Dear Mr Owen,

FREEDOM OF INFORMATION: RIGHT TO KNOW REQUEST

Thank you for your request under the Freedom of Information Act 2000 (the Act), for information about Counsel's opinions on the compatibility of the Financial Services and Markets Act (FSMA) 2000 and the Financial Ombudsman Service with the Human Rights Act 1998, and in particular the opinion used by Gordon Brown to support his certification of the FSMA bill.

As to the information you have requested, I confirm we do not hold the Chancellor's opinion. We do hold opinions obtained by IMRO and the PIA Ombudsman Bureau. An exemption applies to this information, however, so we are not able to release it.

The exemption applied is:

Section 42 – Legal Professional Privilege (as the information consists of legal advice and the release of this would breach legal professional privilege).

Section 42 is a qualified exemption which means the Public Interest Test (PIT) must be applied. In applying the PIT test we must make a balanced decision on whether maintaining the exemption outweighs the public interest in disclosing the information.

Having applied the PIT to your request, we consider that the public interest in maintaining the exemption and protecting the legal views and expressed in the opinions outweighs the public interest in the FSA disclosing the opinions.

I apologise that your request will not be met; if you have any queries please contact me on 020 7066 9048.

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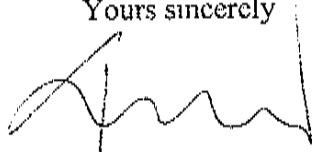
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If you are unhappy with the decisions made in relation to your request you may ask for an internal review. You should contact Sallie Eden at the address listed above if you wish to complain.

If you are not content with the outcome of the internal review, you also have a right of appeal to the Information Commissioner at:

*Information Commissioner's House
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
www.informationcommissioner.gov.uk*

Yours sincerely



Phil Todd
Information Access Team