

**Decision D0212003 – Published in note form only**

***Re Kimber and Department of Environment* [2003] WAICmr 21**

**Date of Decision: 23 July 2003**

***Freedom of Information Act 1992; Schedule 1, clause 7***

In December 2002, the complainant made an application to the agency for access to documents relating to the operations of Cockburn Cement Limited.

The agency refused access to 2 documents on the ground that they are exempt under clause 7 of Schedule 1 to the FOI Act.

The Information Commissioner obtained the disputed documents from the agency and examined them. The disputed documents are confidential communications consisting of a request for legal advice and the legal advice provided to the agency.

The Information Commissioner was satisfied that the disputed documents would be privileged from production in legal proceedings on the ground of legal professional privilege and found them exempt under clause 7 and confirmed the agency's decision to refuse access to those documents.