

GOOD LAW Practice

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[REDACTED]
Government Legal Department

By email only to: [REDACTED]

& [REDACTED]

Your ref: [REDACTED]
Our ref: [REDACTED]

11 July 2024

Dear [REDACTED]

Proposed Publication of DHSC PPE [REDACTED]

We write further to the exchange of correspondence. We write this letter openly, and will provide the court with a copy of it.

Our client is firmly of the view that as a general proposition, information concerning this matter should where appropriate be in the public domain as there is significant public interest in understanding how the public's money has been spent and, particularly in the context of what is already known about PPE procurement, and the VIP lane. Our client considers that the specific information your client seeks to protect in this case - namely

[REDACTED] - is information in relation to which there is a strong public interest in being made public. Our client is also cognisant of its responsibilities and would not want to jeopardise any criminal trial into the issues arising.

Therefore, our client is prepared to maintain the undertakings previously given, namely:

1. Not to publish the information until the earlier of the end of the criminal investigation relating to [REDACTED], or such time as the information lawfully comes into the public domain in any event; and
2. To safeguard the information for so long as the undertaking above is operative.

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In addition, our client is prepared to provide your client with the identities of anyone to whom our client has disclosed the information, so that the public interest can be safeguarded.

Our client strongly disagrees with your client's contention that the information is 'confidential' or that there has been a breach of confidence in the circumstances in which the information was provided. We remind you that our client was not the requestor of the information under FOIA, and, so far as it is concerned, came by the information lawfully and did not itself reverse the redactions.

The undertakings referred to above, as well as the provision of information about who the material has been disclosed to, will neutralise any public interest concerns regarding the potential prejudice to the criminal investigation, and any linked prosecution and are therefore sufficient to dispose of your client's application for an urgent interim injunction.

What remains is a matter of huge public importance that should be litigated carefully, and the giving by our client of the undertakings indicated above will allow the parties and the court to list the matter for determination in due course, with directions for the sequential exchange of further evidence with proper time allowed for its preparation.

We suggest, in these circumstances, that the parties work together to draft agreed proposed directions for the resolution of this matter and indicate to the court that the hearing on Monday need not be effective on that basis, save perhaps as an opportunity to make directions to a full hearing.

We understand that you have written to third parties putting them on notice of Monday's hearing, and that you await hearing from them. Please keep us informed as to their position.

Please confirm your client's position by 6pm t

Yours sincerely



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