

Legal privilege tests in England

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There are two types of legal professional privilege in England which protect certain confidential communications from disclosure: (1) legal advice privilege; and (2) litigation privilege.

The tests for these types of privilege are as follows:

1. Legal advice privilege applies to communications between a lawyer and a client that are made for the dominant purpose of giving or receiving legal advice.
2. Litigation privilege applies to communications between lawyers or their clients and any third party where the sole or dominant purpose of the communication is obtaining advice or information in connection with existing or reasonably contemplated litigation.

EMPLOYMENT TRIBUNAL DISCLOSURE TEST IN ENGLAND

In the Employment Tribunal, disclosure is the process by which the parties to the claim will exchange copies of documents which are in their possession or control, and which are relevant to the issues in the claim. 'Documents' is broadly interpreted, and could include AI inputs and outputs.

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