

Extract from the Royal Borough Constitution – Part 8E Access to Information Procedure Rules

10 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Meanings of exempt information.

Exempt information means information falling within the following 7 categories (subject to any condition) in the following table.

Exempt Information

Categories

1. Information relating to any individual
2. Information which is likely to reveal the identify of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officeholders under the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes –
 - a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

b) To make an order or direction under any enactment

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

In addition the seven criteria listed above are subject to a 'Public Interest Test' i.e. that there is a greater public interest in the information being exempt, than in making the report public. Guidance issued in relation to the Public Interest Test as applied to Freedom of Information exemptions, gives some assistance in assessing the public interest.

The following are examples of factors which would encourage disclosure:

- furthering the understanding and participation in the public debate of issues of the day
- promoting accountability and transparency by public authorities for their decisions
- promoting accountability and transparency in the spending of public money
- allowing individuals and companies to understand decisions made by public authorities affecting their lives and in some cases assisting individuals in challenging such decisions

11 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Head of Legal Services thinks fit, the Council may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.