

To: Owen Boswarva

BY EMAIL: owen.boswarva@gmail.com

26 June 2023

Dear Owen Boswarva,

Re: Freedom of Information Act (FOIA) Request

Thank you for your request for information made under the Freedom of Information Act 2000 (FOIA) dated 21st February 2023.

Request

You have requested:

“Please provide the following information: agendas and minutes of any meeting of the IDeA Company Board held or scheduled to be held from July 2020 to date.

My request for minutes includes any papers, action logs, presentations, or attachments circulated to attendees with the minutes or for the purposes of their participation in the meetings.”

Response

Please find attached the information that you have requested. Information has been redacted based on a number of exemptions as set out in the Freedom of Information Act which we detail below.

You will see that personal data has been removed. This information is being withheld under section 40(2) of the Freedom of Information Act as the information constitutes 3rd party personal data. Section 40(2) provides that personal data about third parties is exempt information if one of the conditions set out in section 40(3) is satisfied. Under the FOI Act disclosure of this information would breach the fair processing principle contained in the Data Protection Act (DPA), where it would be unfair to that person or is confidential. The LGA is of the view that both these are met and releasing this information would breach the rights and freedoms of individuals referred to and as such is exempting this information.

Additionally, some information requested has been redacted as releasing it would be likely to prejudice the commercial interests of IDeA. Specifically, we are satisfied that disclosure of the information would prejudice the ability of the IDeA to enter into a discussion, negotiations and agreements as it would expose its commercially sensitive information to other organisations and jeopardise confidential discussions and future financial planning. This would also be to the

detriment of the public interest, as it would negatively impact on the IDeA's ability to conduct its work to support for and help to improve local authorities in the future.

A number of the documents refer to commercially sensitive information, business strategy, corporate risks and plans that, if disclosed would seriously prejudice the IDeA's position and reveal sensitive information to potential competitors. Commercial proposals in documents may not, in fact, be used and as such could jeopardise and undermine the negotiating and commercial position of the IDeA if released now. The IDeA considers that there is a weighty and substantial risk of this prejudice arising if the requested information were disclosed.

Having concluded that some of the requested information is exempt under s43, we have gone on to consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information as required by s2(2)(b) FOIA. In relation to those factors favouring disclosure, we recognise that there is, of course, a general public interest in transparency and the accountability of public bodies.

Against this, we note that there is already considerable information in the public domain concerning the activities of the IDeA and the work that it does and strategic direction it is taking. Having regard to the very real risk of prejudice that disclosure of the requested information would cause we are satisfied that the balance of the public interest favours the maintenance of the exemption under s43(2) in this case.

Please note some information has been redacted as it relates to investigations and proceedings being conducted (section 30 Freedom of Information Act). As set out in section 36 of FOIA we are not required to release information that would inhibit the free and frank provision of advice and the free and frank exchange of views for the purposes of deliberation as this would prejudice the effective conduct of public affairs.

Furthermore, some of the information requested is environmental information in nature. As such it should be requested under the Environmental Information Regulations and it is clearly in the public interest to deal with such information under the Environmental Information Regulations.

Additionally, information has been redacted as it is covered by litigation privilege (section 42 FOIA) and there is an inherent public interest in this sort of information remaining confidential and not subject to release and we are not able to see any countervailing arguments to say that it is in the public interest to not maintain this exemption.

Some information has been removed in line with section 38(1)(b) FOIA on the grounds of health and safety. We do not consider that there are substantial enough public interest arguments in favour of disclosure to warrant releasing the information covered by this exemption given the implications and causal link that we consider release may have on safety concern for individuals

Finally, some information requested is also being refused under Section 41 – Information provided in confidence. The relevant information was provided to IDeA Board in circumstances importing an obligation of confidence and disclosing this information would constitute a breach of confidence. When the relevant information was collected and presented in some of the Board papers it was done under a commitment and understanding of confidence. As such any “reasonable person” would realise that the information provided to the IDeA was being given to it in confidence and hence the obligations of confidence are imposed on the IDeA and its treatment of that information. Some of the information contained in the Board papers that has been removed was provided with an understanding that the information was being provided to the Board to allow for free and frank open discussion in a “safe space” and as such viewed as being provided in confidence. We are of the view that some of the information would not have been included or presented in the way that it was if there was a suggestion that it would be released unredacted.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of the date of our response to your request and should be sent to the IT and Business Management Team at:

18 Smith Square
London
SW1P 3HZ
E-mail: foi@local.gov.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner’s Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

Email: <https://ico.org.uk/global/contact-us/>

Tel: 0303 123 1113

Kind regards,


Local Government Association

