

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

telephone [REDACTED]
email owen.boswarva@gmail.com

5 July 2023

IT and Business Management Team
Local Government Association
18 Smith Square
London
SW1P 3HZ

By email to FOI@local.gov.uk

**Access to information request for minutes and papers of IDeA Company Board meetings –
Internal Review**

Dear IT and Business Management Team,

I would like to request an internal review of the LGA's response to the access to information request that I submitted on 21 February 2023.

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

I received the LGA's substantive response on 26 June 2023, in the form of nine PDF files containing the disclosed information and a cover letter explaining the exemptions in FOIA that the LGA has relied on to redact and withhold other information. The nine PDF files contain 848 pages of material in total (including redactions).

In this letter I have referred to the file names as provided, and page numbers refer to the PDF pages rather than the numbering in individual documents.

My request for an internal review does not relate to the delay in providing a substantive response to my information request. While it seems clear that the LGA's handling of my request breached the statutory requirement in section 17(3) of FOIA, I am satisfied that this aspect has been dealt with fully by the Information Commissioner's decision notice IC-234634-R9V8,¹ served on 27 June 2023.

In carrying out your internal review of the LGA's response, please consider in particular the following points:

1. The LGA's response did not include minutes of the IDeA Board meeting held on 25 January 2023. While I appreciate that a final version of those minutes might not have been approved by the time of my request, I assume minutes were taken during the meeting and will have been held by the LGA in some form at the time of my request. If so, those minutes should have been disclosed (with appropriate redactions, if necessary).
2. According to the LGA's response, "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."

If some of the information in scope of my request is exempt from disclosure under section 39(1) of FOIA, the LGA should have proceeded to handle that part of my request in accordance with the procedural requirements of the Environmental Information Regulations 2004. There is no need for me to submit a separate information request that mentions the EIRs by name. Please refer to the ICO's guidance on the exemption for environmental information (section 39),² and in particular the section on procedural requirements.

3. The disclosures contain a number of redactions of information that the LGA had published elsewhere prior to the date of my request. For example:
 - a) On pages 41-42 of JUNE2021 FINAL.pdf and pages 45-46 of IDeABoardAgendaPack Confidential 08Jun2022 FINAL.pdf, the LGA has redacted paragraphs that describe IDeA's investment in GeoPlace LLP. Those paragraphs are part of IDeA's annual accounts for the 2020-21 and 2021-22 financial years, which are published (as a statutory requirement) on the Companies House website.³ Other than the final two

¹ <https://ico.org.uk/media/action-weve-taken/decision-notices/2023/4025715/ic-234634-r9v8.pdf>

² <https://ico.org.uk/media/for-organisations/documents/1043419/exemption-for-environmental-information-section-39.pdf>

³ <https://find-and-update.company-information.service.gov.uk/company/03675577/filing-history>

sentences, the paragraphs merely describe the formation and ownership of GeoPlace – information that has been in the public domain for more than ten years.

- b) On pages 125-30 of IDeA Board 9 Sept 2020 Agenda FINAL.pdf and pages 35-38 of JANUARY2021 FINAL.pdf the LGA has redacted the names of various organisations with which it had collaborated on sector led-improvement activity undertaken between March and November 2020. However, this information was published in unredacted form on the LGA's website in December 2020,⁴ ⁵ wherein the various organisations are identified.

Those examples, of redaction of information that had already been published, raise doubts about whether the LGA has paid sufficient attention to the specifics of the information when redacting the disclosures released to me, and/or about whether the disclosures have been redacted with a good understanding of when the exemptions in FOIA are applicable to the information.

I request that you review all of the redactions in the disclosures, to ensure the LGA is confident that it has only redacted information to which exemptions legitimately apply.

4. The disclosures cover numerous meeting items or papers that have been redacted either in their entirety or almost entirely. For example:

- Item 5 on pages 7-8 of IDeA Board 9 Sept 2020 Agenda FINAL.pdf
- Agenda Item 6 Financial Report on pages 111-17 of IDeA Board 9 Sept 2020 Agenda FINAL.pdf
- Item 5 and Item 6 on pages 7-10 of JANUARY2021 FINAL.pdf
- Agenda Item 9 Finance Report on pages 45-51 of JANUARY2021 FINAL.pdf
- Items 5, 6, 7 and 9 on pages 8-11 of JUNE2021 FINAL.pdf
- Item 7 appendix on pages 97-139 of JUNE2021 FINAL.pdf
- Agenda Item 6 Financial Report on pages 23-29 of IDeA Board pack (confidential) 8 Sept 2021 FINAL.pdf
- Items 6 and 9 on pages 8-12 of IDeABoardAgendaPack Confidential 26Jan2022 FINAL.pdf
- Agenda Item 6 IDeA 2022/23 Budget Assumptions and Agenda Item 7 Finance Update on pages 13-25 of IDeABoardAgendaPack Confidential 26Jan2022 FINAL.pdf
- Items 6, 7 and 10 on pages 10-15 of IDeABoardAgendaPack Confidential 08Jun2022 FINAL.pdf

The above is not an exhaustive list.

⁴ <https://www.local.gov.uk/publications/lga-refocused-sector-led-improvement-offer-highlights-and-summary-march-september-2020>

⁵ https://lga.moderngov.co.uk/documents/s30587/201126_MHCLG%20update.pdf

I think it is unlikely that all of the information hidden by these redactions is exempt from disclosure under FOIA, and likely that the LGA has over-redacted the information by applying exemptions on a blanket basis to items or papers that could (and should) have been redacted more selectively.

In particular, I doubt that most of the financial reporting related to periods prior to April 2022 is eligible for exemption from disclosure, given that the LGA has published IDeA's full accounts for financial years 2020-21 and 2021-22.

Please review and consider a more proportionate approach to redaction of the disclosures. You may wish to refer to the ICO's guidance on withholding only parts of a document,⁶ and the Redaction Toolkit produced by the National Archives.⁷

5. According to the response, the LGA has redacted information that it considers is exempt from disclosure under the following sections of FOIA: s30 (investigations and proceedings), s36 (prejudice to effective conduct of public affairs), s38(1)(b) (health and safety), s40(2) (personal information), s41 (information provided in confidence), s42 (legal professional privilege), and s43(2) (commercial interests).

However, the LGA's response does not provide any indication of which redactions have been made on the basis of which exemptions in FOIA. Given that the disclosures cover papers produced in connection with nine meetings of the IDeA Board, at which a range of subjects were discussed, I have no firm idea of the LGA's reasons for redacting specific items or papers. In many instances, the redactions are so extensive that even the general nature of the redacted information is unclear.

In my view, the explanation of the redactions given in the cover letter to the response is inadequate. The LGA has a duty under section 16 of FOIA to provide advice and assistance, as far as it would be reasonable to do so. Please consider providing a fuller explanation of the information that has been withheld, and of which information has been redacted based on which exemptions.

6. Please review in particular the redaction of the GeoPlace and Open Addressing - Heads of Terms item on pages 7-8 of IDeA Board 9 Sept 2020 Agenda FINAL.pdf, and any other redacted information throughout the disclosures that relates to IDeA's connection to GeoPlace LLP.

I assume the LGA has redacted this information mainly on the basis that its disclosure would prejudice the commercial interests of IDeA, in line with section 43(2) of FOIA and

⁶ <https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/guide-to-freedom-of-information/refusing-a-request/#19>

⁷ https://cdn.nationalarchives.gov.uk/documents/information-management/redaction_toolkit.pdf

after consideration of the public interest test. However, I would argue that the disclosure of most or all of this information is unlikely to affect IDeA's ability to participate competitively in any commercial activity, and is therefore not covered by the exemption.

The GeoPlace arrangement is a monopoly, funded mainly for public purposes through transfers from other public bodies, and has no commercial competitors for the addressing products or services from which IDeA derives revenue. Please review these redactions and give further consideration to the application of the exemptions, as well as the public interest in transparency of government contracts and spending.

Thank you for your attention to this internal review request.

Yours faithfully,

Owen Boswarva