

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Thursday, 26 th April 2018
Report Subject	Information Sharing within the Council
Cabinet Member	Cabinet Member for Corporate Management and Assets
Report Author	Chief Officer (Governance)
Type of Report	Operational

EXECUTIVE SUMMARY

Sharing information within the Council, whether between officers, Members or officers and Members is key to enabling it to fulfil its functions and properly provide services to the public. However, the Council is subject to many different legal obligations around sharing or withholding of information. Some such as the Data Protection and Freedom of Information Acts are compatible, whilst others can appear to be mutually incompatible.

The Committee resolved in November to establish a working group to draw up fresh guidance on how to share information within the council. That working group met and drew up draft guidelines which have been shared with officers and Members in consultation. The results of that work are a set of principles relating to how and when the council will share information in its internal communications. If approved the guidelines will need to be inserted into the Constitution.

RECOMMENDATIONS

1	That the guidelines be recommended to County Council for adoption in to the Constitution.
2	That the members of the working group be thanked for their work.

REPORT DETAILS

1.00	Explaining the Outcome of the Working Group
1.01	Committee members will recall the sometimes conflicting obligations on the Council to keep information confidential and also to reveal it to councillors. The current guidance on the issue in the Constitution is not particularly clear or helpful. The Committee resolved to establish a working group to help redraw that guidance.
1.02	The working group met twice during December. At its first meeting the members of the group familiarised themselves with the various competing legal obligations. At the second meeting the group amended and approved a series of principles that would capture the rules but also, and perhaps more importantly, a number of scenarios that set out the level of information that would be shared in relation to common queries. Each example looked at the scenario from the perspectives e.g. a councillor speaking to an officer, or a councillor speaking to another councillor.
1.03	The fundamental principle is that councillors and officers need information at a level of detail that is appropriate to whatever task, role or function they need to perform within the council. Where councillors or officers are undertaking an oversight role or holding others to account then the level of necessary detail will be low. Conversely, where councillors or officers are making an operational decision then the level of detail will be high, in order to ensure that all relevant matters are considered.
1.04	Those principles and examples were then the subject of consultation with officers via portfolio management teams and an All Member workshop. The principles were broadly supported during this process though a few improvements were made to make them more precise and to expand slightly their scope. The amended principles and examples are attached at Appendix A.
1.05	These principles are important for the council and there are many possible consequences from under or over sharing of information. Sharing personal data when it is not necessary for example could be the subject of enforcement by the Information Commissioner's Office including fines of up to €20m. Under sharing can adversely affect the ability of councillors and officers to fulfil their roles and could lead even to judicial review if the council failed to take into account relevant facts when making a decision. Those consequences are mentioned within the principles.
1.06	If approved by the Committee these principles need to be included within the Constitution. They will also be disseminated amongst officers so that they are properly understood.

2.00	RESOURCE IMPLICATIONS
2.01	None directly arising as a result of this report.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Members, chief officers and portfolio management teams.

4.00	RISK MANAGEMENT
4.01	These principles are intended to reduce risk by providing clear advice to officers and councillors on what information it is appropriate to share.

5.00	APPENDICES
5.01	Appendix A – Information Sharing Principles

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Working group agendas and papers Feedback from councillor workshop</p> <p>Contact Officer: Gareth Owens (Chief Officer Governance) Telephone: 01352 702344 E-mail: Gareth.legal@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Data Protection Act 1998 – legislation imposing the obligation to keep information relating to living individuals private and regulating the amount and way in which it can be used</p> <p>Freedom of Information Act 2000- legislation requiring the Council to make information publicly available provided it does not fall within one of the statutory exemptions</p>