

INFORMATION SHARING PRINCIPLES

Principles of disclosing information

These encompass the underlying principles behind the right to know, the Data Protection Act plus the legislation on access to information contained within the amended Local Government Act 1972

The following definitions are used within this document

Confidential Includes the following:

- Information
1. information furnished to the council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
 2. information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court;
 3. information provided to a lawyer for the purposes of obtaining legal advice or the advice received
 4. information which would harm the commercial position of an individual, including the council, if it were to be revealed
 5. information relating to an investigation into a potential or actual criminal offence or any information relating to the enforcement of laws where it would harm that enforcement if the information were to be revealed.
 6. information which is received in circumstances where a duty of confidence arises e.g. communications between a teacher and pupil, the outcome of a disciplinary process, discussions during an employee appraisal

Exempt information (as defined by the Local Government Act 1972) Includes the following:

7. Information which is likely to reveal the identity of an individual.
8. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
9. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
10. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
11. 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.
12. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

NOTE: this definition is laid down by statute and overlaps with the other definitions within this document e.g. this definition includes information that contains personal data

Personal Information which, on its own or with other information, enables the

data identification of a living individual

The following principles will apply to the sharing of information between officers and county councillors, whether officer to county councillor, county councillor to county councillor or officer to officer:

- A Openness and transparency is the best policy. Where information is not confidential, exempt, private nor contains personal data then it will be shared on request
- B Information will be shared in a timely manner with county councillors or officers where:
 - the recipient requires that information in order to fulfil a role/task within the council (i.e. that person cannot fulfil the role/task without the information); AND
 - the information is provided, received and used only for the purpose of undertaking that role/task (and not for any other reason)
- C The level of detail provided will be commensurate with the role/task being performed by the recipient
- D County councillors may see any document that does not contain exempt information or the advice of a political adviser which is to be or has been reported to:
 - Council, a committee or a sub-committee; OR
 - Cabinet or a sub-committee of Cabinet
- E Whilst councillors may request information under the Freedom of Information Act 2000 or Environmental Information Regulations 2004 any such request will be subject to the limitations and exemptions contained within the legislation
- F Where the information requested identifies, or tends to identify, a living individual then it will only be disclosed when the person intending to disclose the information has satisfied themselves of the identity of the intended recipient and where:
 - The person to whom the information relates has given consent or consent can be readily implied; OR
 - Disclosing the information is necessary for purposes such as law enforcement
- G Any person sharing confidential or exempt information or personal data the person must when doing so:
 - Appropriately mark written communications: AND
 - Expressly state that the information is confidential during oral communications; AND
 - Discuss with or advise the recipient what (if anything) can be shared with others
- H Any information that is supplied which is confidential or exempt or which contains personal data must not be further communicated or shared by the recipient without the consent of the sender.
- I Whether or not information is marked as or expressed to be confidential, it remains the responsibility of the person holding that information to decide whether or not to disclose it to another person and the appropriate classification of that information if it is disclosed

- J Improperly disclosing or withholding of information can have a range of consequences which include (but are not limited to):
- It may be a potential breach of the members' or officers' code of conduct
 - It can leave the Council or individual open to prosecution or other enforcement action by the Information Commissioner
 - It can prevent officers or councillors from fulfilling their roles
 - The council can be liable to legal action or judicial review
 - It can cause personal distress and upset
 - It erodes the necessary trust and confidence between councillors and officers
- K Where a county councillor or officer
- i. requests information which is not supplied; OR
 - ii. is uncomfortable about disclosing information that has been requested that person may request advice from the Council's monitoring officer on whether the information should be disclosed.
- L Nothing in these principles should be interpreted as restricting or prohibiting the disclosure (whether voluntary or compelled) of information to the Police, Courts, law enforcement agencies, public inquiries etc.

Classification and marking of information when sharing

- M When communicating personal data, confidential information or exempt information in writing the following shall apply:
- 1) When the information is shared in a letter or email the subject line must be marked "confidential"
 - 2) When the information is included in a document (other than a letter or email) then the top of each page must be marked "confidential" OR each page must be watermarked "confidential"
 - 3) When the information is to be shared in an electronic file then the file name must include the word "confidential"
- N When communicating personal data, confidential information or exempt information orally the following shall apply:
- 1) the information must be expressly stated to be "confidential"; AND
 - 2) the person communicating the information must follow up in writing stating what is confidential

Appendix A

Nature of Report	Public Session (Part 1)	Closed Session (Part 2)
<ul style="list-style-type: none"> • Report to provide assurance or update on progress • Performance monitoring • Policy Development • Budget monitoring • (Pre) Scrutiny of Cabinet proposals 	<p>Such reports will almost always be in part 1 and will contain statistical analysis and performance data. Individual cases will not be reported and if discussed will be anonymised and for illustrative purposes only</p>	<p>Rarely will reports be taken in closed session. However it will happen where there is a need to protect information that is confidential by reason of commercial or legal sensitivity. It will be extremely rare for such reports to mention or consider individual cases or personal data</p>
<ul style="list-style-type: none"> • Call in 	<p>Call in will usually be handled in open session</p>	<p>A call in will be considered in closed session if it relates to a closed session cabinet decision</p>
<p>Regulatory reports for decision e.g.</p> <ul style="list-style-type: none"> • planning application • dispensation application <ul style="list-style-type: none"> • Licensing applications • Advice about merits of a planning appeal 	<p>Such applications will almost always be taken in open session because they relate to information that is already public under legislation e.g. planning legislation requires that the name and address of the applicant and agent be made public</p> <p>These will only rarely be heard in public</p>	<p>Very occasionally an application for dispensation might include personal data that is sensitive in nature and needs to be considered in closed session</p> <p>The nature of the advice and subject matter under discussion will mean that such reports are almost always heard in private</p>
<p>Reports for decision e.g.</p> <ul style="list-style-type: none"> • Change to service levels • Responding to consultation • Setting up new partnership arrangements • Setting or amending officer structure • Appointment of a senior officer • Award of contract 	<p>These reports will normally be considered in open session</p> <p>These will only rarely, if at all, be heard in public</p>	<p>Occasionally some aspects of such reports might be confidential. Consideration will be given to splitting the report so that only the confidential information is considered in closed session.</p> <p>The nature of the advice and subject matter under discussion will mean that such reports are almost always heard in private.</p>

Scenario	Level of Detail to Be Shared between				
	Officer and Member	Member and Member	Officer and Officer	Officer and Public	Member and Public (including town and community councils)
<p>Ward enquiries relating to an individual or individuals e.g.</p> <ul style="list-style-type: none"> Resident seeking help with service problems Seeking justification for a decision 	<ul style="list-style-type: none"> Sufficient detail to answer the query and give assurance that the rules have been followed Answer may include confidential information but not personal data Where someone has provided personal data to a member already then an officer may discuss the matter in the same level of detail The work contact details of the relevant officer to contact 	<ul style="list-style-type: none"> Sufficient detail to answer the query and give assurance that the rules have been followed Answer may include confidential information but not personal data Where someone has provided personal data to a member already then an officer may discuss the matter in the same level of detail The work contact details of the relevant officer to contact 	<ul style="list-style-type: none"> Sufficient detail to answer the query and give assurance that the rules have been followed including revealing confidential information or personal data if the recipient is within the same service or has some other oversight role eg manager, auditor, lawyer 	<ul style="list-style-type: none"> Description of the process to be followed and assurance that the process has been fully complied with e.g. confirmation that medical data has been obtained Neither confidential information nor personal data will be disclosed As required by Freedom of Information Act 2000 and/or Environmental Information Regulations if relevant The work contact details of the relevant officer to contact 	<ul style="list-style-type: none"> Description of the process to be followed and assurance that the process has been fully complied with e.g. confirmation that medical data has been obtained Neither confidential information nor personal data will be disclosed The work contact details of the relevant officer to contact

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<p>Seeking to understand why specific decisions have been made or actions taken e.g.</p> <ul style="list-style-type: none"> • Has value for money been achieved on a land sale • Reasons for imposing a charge for a council service and how the charge was calculated <p>Request for service and reporting back on progress e.g. member reporting unlawful encampment</p>	<ul style="list-style-type: none"> • Sufficient detail (including alternative options that were considered and rejected) to fully answer the query and to give assurance that the rules have been followed and to demonstrate that the answer is justified by the evidence • Answer may include confidential information but not personal data • The work contact details of the relevant officer to contact 	<ul style="list-style-type: none"> • Sufficient detail (including alternative options that were considered and rejected) to fully answer the query and to give assurance that the rules have been followed and to demonstrate that the answer is justified by the evidence • Answer may include confidential information but not personal data • The work contact details of the relevant officer to contact 	<ul style="list-style-type: none"> • Sufficient detail to fully answer the query and to give assurance that the rules have been followed including revealing confidential information or personal data if the recipient is within the same service or has some other oversight role eg manager, auditor, lawyer 	<ul style="list-style-type: none"> • Description of the process to be followed and assurance that the process has been fully complied with e.g. confirmation that medical data has been obtained • Neither confidential information nor personal data will be disclosed • As required by Freedom of Information Act 2000 and/or Environmental Information Regulations if relevant 	<ul style="list-style-type: none"> • Description of the process to be followed and assurance that the process has been fully complied with e.g. confirmation that the necessary information has been considered and taken into account • Neither confidential information nor personal data will be disclosed • The work contact details of the relevant officer to contact
Whistleblowing where member is	<ul style="list-style-type: none"> • The matter will be discussed in 	<ul style="list-style-type: none"> • The matter will be discussed in 	<ul style="list-style-type: none"> • The matter will be discussed in 	<ul style="list-style-type: none"> • The matter will be discussed in 	<ul style="list-style-type: none"> • The matter will be discussed in

Scenario	Level of Detail to Be Shared between				
	Officer and Member	Member and Member	Officer and Officer	Officer and Public	Member and Public (including town and community councils)
reporting an issue to an officer (or vice versa) and where an officer is reporting back on progress/outcome	<p>confidence in the level of detail required to address the concern</p> <ul style="list-style-type: none"> When reporting back on the outcome of a whistleblowing report sufficient information will be provided to provide assurance that the matter has been properly addressed. This will not normally include personal data The work contact details of the relevant officer to contact 	<p>confidence in the level of detail required to address the concern</p> <ul style="list-style-type: none"> When reporting back on the outcome of a whistleblowing report sufficient information will be provided to provide assurance that the matter has been properly addressed. This will not normally include personal data The work contact details of the relevant officer to contact 	<p>confidence in the level of detail required to address the concern and only to the extent that is strictly necessary to fulfil the officer's role within the Council</p> <ul style="list-style-type: none"> When reporting back on the outcome of a whistleblowing report sufficient information will be provided to provide assurance that the matter has been properly addressed. This will not normally include personal data 	<p>confidence in the level of detail required to address the concern</p> <ul style="list-style-type: none"> When reporting back on the outcome of a whistleblowing report sufficient information will be provided to provide assurance that the matter has been properly addressed. This will not normally include personal data 	<p>confidence in the level of detail required to address the concern</p> <ul style="list-style-type: none"> When reporting back on the outcome of a whistleblowing report sufficient information will be provided to provide assurance that the matter has been properly addressed. This will not normally include personal data or confidential information The work contact details of the relevant officer to contact