

15 February 2012

REQUEST FOR INFORMATION: LOCAL GOVERNMENT ASSOCIATION MEETING, 18 OCTOBER 2011

Further to my letter of 20 January 2012, I am now able to provide you with a substantive response to your request for information of 19 December 2011.

You asked to be provided with a copy of the minutes from the Local Government Association meeting held at DCLG on Monday 18 October 2011. Your request has been considered under the Freedom of Information Act 2000 (FOI Act).

As I previously advised, the Department holds information falling within the terms of your request and which falls within the exemption at section 35(1)(a) of the FOI Act as it relates to the formulation or development of government policy.

However, section 35(1) (a), as you will also know from my previous letter, is a qualified exemption. This means that information falling within the exemption must still be disclosed unless the public interest served by disclosure is outweighed by the public interest in maintaining the exemption.

In considering this the Department recognises the principle embodied by the FOI Act that the public interest in general terms is best served by information held by public authorities being made publicly available. This aids transparency and accountability of government which, in turn, increases public trust and confidence in Minister' decisions on matters of policy that affect citizens.

In this instance, there are no strong public interest reasons that would in our view favour maintaining the exemption for most of the information. The policy development period is now over and local government finance issues are being scrutinised before Parliament. Accordingly, the Department has concluded that the public interest is served by disclosing most of the information in the meeting note. This information is attached to this letter.

However, the Department must also take into account that there is strong public interest in Ministers being able to avail themselves of sufficient private thinking space within which to consider views on policy options without concern of inappropriate disclosure. In this case, for other information contained in the meeting note, it is likely that the individuals at the meeting would have felt constrained in their ability to provide Ministers with information and their views freely and frankly. As such, Ministers would not have been able to consider, in taking decisions on policy, all possible options and their implications.

The Department has concluded that, on balance in relation to some elements of this particular information, that the public interest is best served by

maintaining the exemption at 35(1)(a) and by not disclosing the information that falls within that exemption. Where redactions have been made for this reason it is indicated in the attached version of the meeting note.

The names of junior officials have also been redacted. Whilst senior representatives should have an expectation that their identity in connection with their official responsibilities should be in the public domain, such an expectation should reasonably not apply to more junior officials. As such the information in this case falls within the absolute exemption at section 40(2) of the FOI Act as disclosure would breach one or more of the data protection principles in the Data Protection Act 1998.