

I am writing in response to your e-mail of 20 April 2011. This requested copies of all correspondence between the Department for Communities and Local Government (DCLG) and local authorities relating to the requirement on councils to publish details of expenditure above £500. We agreed that we would limit the timescale of the enquiry from 1 September 2010 to 20 April 2011. Your request has been considered under the Freedom of Information Act 2000.

I can confirm that the Department does hold the information that you have requested and that I am able to provide you with some of that information. I have attached 9 PDF documents which contain copies of the relevant correspondence between the Department and local authorities.

As you will appreciate, we do not systematically keep copies of routine correspondence, and so whilst we have done our best to collect all of the information that you have requested, we cannot guarantee that the enclosed documentation captures all potentially relevant correspondence between the Department and local authorities. For example, it is at least feasible that the Department may have received communications that did not mention the requirement to publish details of expenditure above £500 and were only partly about that requirement. However, to the best of our knowledge and on the basis of the searches that we have carried out, the Department holds no other substantive information falling within the terms of your request.

I wish to advise you however that some of the information that the Department does hold cannot be disclosed for the reasons given below.

The names and contact details of many individuals (junior officials in the Department and in local authorities) have been redacted from the information being provided to you. This information is exempt from disclosure under the exemption at section 40(2) of the FOI Act because it is personal data and its disclosure would breach one or more of the data protection principles in the Data Protection Act 1998.

The remainder of the information held by the Department and falling within the terms of your request are the responses from local authorities to the consultation on the draft Code of Recommended Practice for Local Authorities on Data Transparency. This information is exempt from the right of access under the FOI Act by reason of section 22 of the Act, which states that information is exempt information if it is held with a view to publication at the time when the request for the information is made. The exemption is engaged in this case as we are intending to publish all responses to the consultation on the draft Code of Recommended Practice for Local Authorities on Data Transparency when we publish the Government response to the consultation and the Code itself.

The exemption under section 22 of the FOI Act is qualified which means that information falling within the exemption may only be withheld where the public interest in disclosure is outweighed by the public interest in maintaining the exemption.

The Department recognises the general principle of openness enshrined in the FOI Act and that provision of information held by public authorities to the public helps, as a general principle, increase accountability and transparency and thus public trust and confidence. The Government has recognised how the public disclosure of the information you have asked for helps meet those aims.

However, there is a firm intention to publish the information you have asked for and that information is expected to be published by the end of June. We take the view that there is little public interest served by disclosing the information on request ahead of that planned publication. There will also be public benefit from members of the press and public being able to read all of the submissions alongside the Government's conclusion to the consultation on the draft Code. It will also help improve public debate and discourse for the submissions from respondents who are not local authorities to be published alongside and at the same time as those who are local authorities.

On balance therefore we have concluded that the exemption at section 22(1) should be maintained in this case and the information should be withheld until the time that it is published.