



Architects Registration Board

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Date: 25th November 2009
Ref: FOI/Board Appraisal

BY EMAIL

Dear Mr Salisbury

I write further to your Freedom of Information Act 2000 (the "Act") request of 20 October 2009 relating to the internal assessment of Board members.

You made two numbered requests, namely, to be provided with:

- "1. A copy of any pro forma questionnaire issued to Board members, distinguishing between forms used for appointed and elected members (if there is any difference), and*
- 2. Unredacted copies of the completed and returned questionnaires."*

In relation to Request 1, I enclose copies of the following documents:

- a) A note circulated to Board members setting out the procedure for the Board Members' Appraisal Scheme (the "Scheme").
- b) A process diagram accompanying the above note.
- c) The pro forma questionnaire for the Scheme. I can confirm that this is the only questionnaire which is currently in use for the purposes of the Scheme. There is no difference in the forms used for appointed and elected members.

In relation to Request 2, I can confirm that the Board does hold completed questionnaires in respect of some Board Members. This information is however exempt from disclosure under the Act as:

1. The information provided by Board Members on the appraisal form was provided in confidence, and its disclosure would give rise to an actionable breach of confidence. It is therefore exempt from disclosure pursuant to s.41 of the Act. The Board Minutes of 17 July 2008 make it clear that the information is to be treated as confidential, and this is emphasised in the document provided to Board members and referred to at point a) above.
2. It is personal data relating to Board Members and exempt under the provisions of s.40 of the Act. I note your comment that this exemption should not apply to your request as:

“Whereas it is clear that personal data are exempt from disclosure, this exemption does not appear to apply to data pertaining to public office, which is of public interest and validly so, particularly when a review is being made of the performance of a public authority and its members.”

Having considered the application of this exemption in detail, I consider that it does apply in this instance. Given in particular the concerns regarding confidentiality which were raised at Board level prior to the Scheme being instituted, and the legitimate expectations of Board members that their information will not be disclosed, in my judgment disclosure of the completed questionnaires would be an unfair processing of personal data and therefore a breach of one of the data protection principles referred to in s.40(3) of the Act.

Under the Board's procedures you are able to ask for my decision to be reconsidered by the Registrar, followed by a further review by the Information Commissioner as specified in section 50 of the Freedom of Information Act.

Yours sincerely



Karen Holmes
Deputy Registrar and Head of Registration