



Ms Gwen Swinburn

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Reference: FT/2756

26 August 2016

Freedom of Information Act (FOIA)

Dear Ms Swinburn,

Internal Review of FOI response FT/2756

Thank you for your request asking for an internal review of the way the council has responded to your enquiry.

Your review

You have asked us to review our response to your request for information surrounding a PWC review of the Council's "Central Services". As I understand it, you consider that we should have disclosed a draft copy of a report concerning this PWC review.

In our response to your enquiries, we explained that no final report is held. We also explained that we are aware that there is one draft report, however, this information is not held in recorded form.

Review of our response

I asked the relevant service areas to conduct a search again for the information. I can confirm that we have managed to locate a draft version of a presentation relating to the PWC review of CYC Corporate Services.

On review, I consider this information to fall under the scope of your enquiry and to be held in recorded form for the purposes of the FOIA regime. In light of this, I will now consider this information for disclosure under the FOIA.

In respect of the information held, we consider the section 36 exemption (Prejudice to effective conduct of public affairs) to be engaged. In particular, section 36 (2)(b)(ii) and 36(2)(c).

This is because it is the Council's qualified and reasonable opinion that disclosure would likely inhibit the ability of Council officers and others to express themselves openly, honestly and completely, or to explore extreme options, when providing advice or giving their views. In this case, there is force in the "safe space" argument. Discussion on draft documents provide an essential opportunity for evidence and views to be offered for testing. If untested information is to be placed in the public domain, this is likely to inhibit the production of such drafts.

In addition, the draft document contains information which is said to be inaccurate. The placing of this information in the public domain is likely to lead to the Council having to divert considerable and unjustified resources to dealing with a likely high volume of public and media enquiries, fuelled by what is erroneous information contained in the document.

We have conducted a public interest test to determine if the public interest in disclosure outweighs the public interest in maintaining the exemption. In doing so, we have considered the strong general public interest arguments in promoting transparency, accountability, public understanding and involvement in the democratic process in respect of council business.

However, in our view these arguments are outweighed by the inherent public interest in avoiding prejudicing the ability of the Council to develop, test and review plans and policies at a draft stage in a "safe space". This is crucial in for the production of robust Council plans and policies for the effective management of public resources.

In our view, disclosure of this document would likely cause long term harm to the free and frank exchange of views, testing and review of ideas inside the Council, including those of external views, should such a disclosure set a precedent.

We have also considered the likely impact on Council resources that would occur should this draft document be made public. We consider that the likely spike in enquiries, including media enquiries, would be significant and have an adverse effect on Council business, diverting resources and public funds away to managing the effect of disclosure. As the purpose of this diversion would predominately involve correcting inaccuracies and responding to queries about plans and policy detail that was at an initial review stage, we do not consider that disclosure would benefit public understanding about the way

the Council manages the Corporate Services Directorate. It would also not justify the disruption and associated cost to the public purse this would entail.

If you remain dissatisfied

If you are dissatisfied with my findings, you can complain to the Information Commissioner, contact details below:

Information Commissioner's Office
Wycliffe House Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Fax: 01625 524 510

Or email: casework@ico.org.uk (please include your telephone number)

Yours sincerely,

Geoff Beveridge
Information Governance Adviser