

FOI 9714 Statement regarding Anjem Choudhury

Request

Please provide me all emails between the Mayors Office and Takki Sulaiman from December 13th 2013 to December 22nd 2013 regarding the statement issued on the Mayors behalf regarding his praise for the Brick Lane protest undertaken by Anjem Choudhury and his followers.

This would include the original statement and the redrafting of the revised statement.

Response

29 emails fall within the scope of your request. The emails containing the original statement and revised statement are enclosed.

It is not possible for us to meet your request in its entirety, and two exemptions have been applied to the rest of the content of the emails.

The retraction of the wrongly issued Press Notice was publicly disclosed and a replacement Press Notice issued. The disclosure of some internal discussions would, however, be likely to inhibit the ability of public authority staff and others to express themselves openly, honestly and completely, or to explore extreme options, when providing advice or giving their views as part of the process of deliberation. The rationale for this is that inhibiting the provision of advice or the exchange of views may impair the quality of decision making by the public authority.

Personal Data

The requested information contains the personal data of other people, providing names and contact details of staff not in public facing positions, and external organisations. Section 40(2) of the Freedom of Information Act sets out an exemption for third party data if disclosure of the information to a member of the public otherwise than under FOIA would contravene any of the data protection principles (section 40(3)(a)(i)).

The first data protection principles states that we can only disclose personal data if to do so would be fair, lawful and meet one of the conditions in Schedule 2 of the DPA (and in the case of sensitive personal data, a condition in Schedule 3)

This means that, if the disclosure would not be fair, the information must not be disclosed. It is considered that the provision of this information would not be fair as the person it relates to would not expect the information to be released in this way. This is an absolute exemption and the information cannot be provided to you.

The Head Of Communications Tem is responsible for the service. The council has a duty to protect the interests of junior members of staff and the release of such emails would expose them to unnecessary publicity whether or not they were named. Neither statement committed public funds or changed council policy nor is there any

suggestion of wrongdoing on the part of officers. There is therefore no public interest justification in releasing these emails.

Effective Conduct of Public Affairs

some of this information is exempt pursuant to section 36(2)(b)(i) and 36(2)(b)(ii) and 36(2) (c) of the Freedom of Information Act 2000.

Section 36(2)(b)(i) of the Freedom of Information Act 2000 has been applied in that that disclosure would inhibit the imparting or commissioning of advice. It is subject to the public interest test.

The incident that this FOI refers to, namely the retraction of a press statement wrongly issued on 12 December 2013 in the Mayor's name. Therefore, the manner in which it was to be dealt with was the subject of discussions and deliberations amongst council officers.

The disclosure of these discussions would reveal internal thinking processes, inhibiting the imparting or commissioning of advice. Many of the discussions included the consideration of options, and were therefore 'works in progress'.

In this case, it is felt that these early considerations are a reflection of the free and frank advice and for provision for the purposes of deliberation as outlined in Section 36 (2) above and that these considerations were undertaken in preparation of the council's response.

We therefore consider that this information is exempt under section 36(2)(b)(i) and (ii).

Factors in favour of publication

The Council wishes to be open and transparent about its business and takes active steps to keep the people of Tower Hamlets informed of its work. This consideration means there is an assumption that information will be published.

The public has a right to know the Council's decisions as they affect the community it serves and information should be published wherever possible

Factors against publication

The contents of the emails include considerations that were not a formal council discussion. They represent opinions and views rather than facts. They would not further the understanding of and participation in a public debate but would serve to confuse matters as they represent consideration of options rather than of Council decisions.

Disclosure would not promote accountability and transparency as it would mean that at future meetings officers would not be able to have a free and frank exchange of views.

Having weighed the factors both for and against disclosure it is my judgment that the public interest will not be served by disclosing all emails exchanged in relation to the council's handling of the plans for this programme.

You have the right to complain to the Council about this decision. If you wish to do this please write to:

Corporate Complaints Unit

Tower Hamlets Town Hall

Mulberry Place

5 Clove Crescent

London E14 2BG

If you are subsequently not satisfied with the Council's response to your complaint you have a right of appeal to the independent Information Commissioner at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Telephone: 01625 545 700

www.informationcommissioner.gov.uk

Further information about the operation of the act is available from the council's website www.towerhamlets.gov.uk and the information leaflet in public reception areas in Council buildings.