



# Redaction Policy

*[to redact = to edit, or prepare for publishing]*

## 1. Aims of the policy

The Council will release relevant information that is needed for robust decision-making. At times this will mean that some information such as personal, commercially sensitive and confidential information will not be disclosed. In these cases, personal details will be redacted or the information will meet one of the exemption categories as set out in Appendix A. Non-disclosure of certain information is to ensure that the Council complies with the requirements of the Data Protection Act 1998, the Freedom of Information Act 2000, Article 8 of the Human Rights Act 1998 and Part 1 of Schedule 12A of the Local Government Act 1972 (Access to Information: Exempt Information).

The aims of the policy are :-

- To understand the importance of only relevant information being released to enable decision-making
- To ensure legislation and particularly data protection guidance is adhered to in decision-making
- To support transparency and accountability and thereby encourage positive public perception in the decision-making process

## 2. Public Interest Test

This policy explains the options available for presenting personal information and confidential material to decision-makers whilst meeting legislative requirements and balancing this against the public interest.

When considering whether a matter meets the exemption criteria, there needs to be a judgement as to whether the public interest outweighs non-disclosure of the information. The following sets out three different situations where the public interest test may be applied :-

- in a case involving a breach of hackney carriage licence conditions, disclosure of a driver's name may be of public interest
- a matter involving a member of staff's health would not be of public interest and disclosure of such personal information could cause further distress
- in commercially sensitive matters where the principle is of public interest but disclosure of the financial position of other organisations involved could

compromise a business undertaking. This would be especially relevant where tenders for a contract are being considered and disclosure of each company's tender submission could prejudice future negotiations of the contract with the successful contractor

### **3. Redaction and Exemption**

It is important to understand the options available when using redaction and whether this approach is enough to satisfy data protection requirements and other associated legislation. The following paragraphs (4), (5) and (6) set out how the three approaches to report structures for personal and confidential information may be used and briefly they are :-

- Open Report – Redaction  
Personal information is redacted and once that information is redacted, the remainder of the associated documents be made publicly available
- Exempt Report – Redaction as good practice  
Information is categorised as exempt under Part 1 of Schedule 12A of the Local Government Act 1972 (Access to Information: Exempt Information). Any personal details are redacted in accordance with good practice. Documents would not be publicly available
- Open Report – Exempt Appendix  
Report is open and any personal or exempt information is contained within an Exempt Appendix which would not be publicly available.

### **4. Open Report - Redaction**

If a matter is of public interest and there is personal information involved, then redaction is the best way forward as this means that the relevant documents can be publicly available containing the name of the individual concerned but with the personal details relating to the individual not publicly available (redacted) such as their personal contact details, bank account arrangements, National Insurance (NI) number, signature etc.

When information is redacted, it may be necessary for the Lead Officer to verify that the information was provided to the authority and met the necessary requirements. For instance this could relate to an application form being completed and signed by an applicant. In such cases, it would be necessary for the Lead Officer to include reference in the report to any redacted information. This could be a paragraph in the report such as the following :-

*Appendix A is the applicant's application form and the form is verified by (Officer Job Title) as having been fully completed and signed by the applicant.*

### **5. Exempt Report – Redaction as good practice**

If a matter is so sensitive or confidential that the individual(s) concerned should not be identified or any other of the exemption criteria apply as set out

at Appendix A, then the report and all related appendices will be categorised as exempt under one or more of the paragraphs listed. Such documents will be provided to Members on green coloured paper so that it is immediately apparent that the documents have restricted access. Members would need to pass a resolution to go into private session for such an exempt item and this would then mean that the report and appendices would be considered by Members in private session and the report and appendices would not be available on the website nor available to the public.

However even within exempt reports when the information will not be publicly available, there would usually be no reason for Members to have access to personal information such as personal contact details, bank account arrangements, NI number, signature etc. This type of information would not usually be needed to assist in decision-making. Therefore it is recommended as good practice that such personal details are also redacted wherever possible within exempt papers also.

## **6. Open Report – Exempt Appendix**

There may be a situation where the report is of public interest and needs to be openly available but a particular appendix that contains confidential information and meets the exemption criteria needs to be available to Members and therefore the appendix only may be categorised as exempt.

The exempt appendix would then not be publicly available, be circulated to Members on green paper and should the exempt appendix need to be discussed at a meeting, then the meeting would need to go into private session. Should Members wish to consider such an exempt appendix, these matters are usually reserved until the end of the meeting so that any public or other interested parties may be present for the majority of the meeting. Members would need to pass a resolution to go into private session for such an exempt item.

There are instances where this is a more practical option than redaction and this could be when financial information is involved and redaction would mean that too much important detail would be lost which could compromise robust decision-making.

## **7. Public Record – Minutes**

In all cases above, a record would be produced which usually is in the form of minutes. However in the case of Licensing Panels, this may be a Decision Notice which sets out the Members' decision together with the reason(s) for that decision. In each case the usual format will be followed and only business information and relevant personal details will be recorded that meet the public interest.

An exempt minute may be required where there is significant debate to be recorded when a matter is considered in private session. The Council has previously agreed an Exempt Minutes Procedure which is set out in full within the Minutes Procedure in the Constitution and it includes the provision that

exempt minutes are reviewed twice per year by the Monitoring Officer to enable release of any minutes that no longer meet their exemption category.

## **8. Background Papers**

Background Papers are to be listed at the end of all open Committee reports. Only relevant information should be included as these documents can be requested. Therefore the report writer must take care to ensure that any background papers listed are subject to this policy so that any personal information is not inadvertently shared with a third party.

## **9. Other uses of this policy**

There are other areas of the Council's work where this policy is relevant and these will relate to retaining confidentiality of an individual's personal information as well as other information that is publicly available and particularly that which is contained on the website.

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## APPENDIX A

### Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to any condition).

Category	Condition
1. Information relating to any individual.	Public interest test.
2. Information which is likely to reveal the identity of an individual.	Public interest test.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Public interest test. Information is not exempt if it is required to be registered under: (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965-1978 (e) the Building Societies Act 1986 (f) the Charities Act 1993
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Public interest test.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Public interest test.
6. Information which reveals that the authority proposes - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Public interest test.  Public interest test.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Public interest test.

Information falling within any of the categories above is not exempt if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.