



Subject:	Governance update – restricted reports
Date:	23 rd February 2024
Reporting Officer:	Nora Largey, City Solicitor & Director of Legal & Civic Services
Contact Officer:	Jim Hanna, Democratic Services and Governance Manager

Restricted Reports

Is this report restricted? Yes No

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision	<input type="checkbox"/>
After Council Decision	<input checked="" type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in

Is the decision eligible for Call-in? Yes No

1.0	Purpose of Report/Summary of Main Issues
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1.1	<p>Following a number of recent issues which have arisen in relation to restricted reports and uncertainty about when information can be discussed publicly, it was considered that a report setting out the following be brought to Committee:</p> <ul style="list-style-type: none"> • The grounds under which information may be exempt from disclosure under The Local Government Act 2014; and • When information provided as part of a restricted report and discussion may be made public after a decision by a Working Group, Committee and Council.
2.0	<p>Recommendation</p>
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> • note the contents of this report; and • agree that a reminder is issued to councillors and senior management in relation to the contents of this report.
3.0	<p>Main Report</p>
3.1	<p>Background</p> <p>Members will be aware that a Notice of Motion has been received in relation to transparency and a subsequent report will be brought to Committee in respect of same. This paper is intended to provide clarity for members and officers in relation to the present processes in relation to restricted reports and information.</p>
3.2	<p>The Local Government Act 2014 ('the 2014 Act') introduced provisions aimed at ensuring local government is more accessible, transparent and accountable. The 2014 Act formalises the grounds upon which information can be restricted and the basis upon which press and public can be excluded during its consideration.</p>
3.3	<p>There is always a public interest in transparency and accountability, to promote public understanding of certain Belfast City Council matters. However the public interest is not necessarily the same as what interests the public.</p>
3.4	<p>Whilst the categories of information that may be restricted under the 2014 Act appear broad, an assessment of whether the public interest in disclosure outweighs the reason for restricting the information may need to be made in individual cases. This assessment is undertaken by the senior manager, usually a Director, who is responsible for authorising the reports being sent to Democratic Services for publication. Reports will also be screened by officers from Democratic Services to ascertain if a report or associated documents should be restricted.</p>

The following points list the information and personal data that may be exempt from disclosure and provide examples covered by each.

1. Information relating to any individual

This includes information that will identify and will obviously be about a person. Data which identifies an individual, even without a name associated with it, may be personal data where it is processed to learn or record something about that individual, or where the processing of that information has an impact upon that individual in a personal, family, business or professional capacity.

2. Information which is likely to reveal the identity of an individual

Information on its own may not reveal an individual's personal data; however, when linked to other information, it may reveal details about an individual. In most cases an individual's name together with some other information will be sufficient to identify them. Simply because the name of an individual is not known does not mean that individual cannot be identified.

3. Information relating to the financial or business affairs of any particular person (including the council holding that information)

This can be information that will firstly identify an individual at points 1 & 2 above and can contain information such as income, cashflow and details about business transactions. Financial or business affairs includes contemplated, as well as past or current activities. However financial information is not exempt from release if it has to be registered with the certain organisations such as Credit Unions, Companies House etc.

4. Information relating to any labour relations matter

This can involve the information gathered by the Council including personal data and includes information in relation to departmental restructuring; movement of staff to address particular council need; planned redundancies; Union balloted strikes etc.

5. Information in relation to which a claim to legal professional privilege could be maintained in legal proceedings

This includes information that protects confidential communications (and evidence of those communications) between a lawyer and client provided that the communications are for the purpose of seeking and receiving legal advice in a

relevant legal context. The client can include Councillors who are specifically seeking and obtaining legal advice from Legal Services.

6. Information which reveals that the council proposes to serve a notice or make an order under any statutory provision

This can include information surrounding and relating to notices issued pursuant to enforcement powers and this will include the details of the individuals and / or organisations involved.

3.5

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

This involves information gathered and used by for the investigation of criminal behaviour.

3.6

Disclosure of information post Committee/Working Group

The rules in relation to the discussion of restricted reports are set out below:

3.7

The information which is contained within a restricted report remains restricted until it is formally unrestricted post decision. This is determined by the relevant Director in consultation with Democratic Services. Therefore the contents of the report and any detail about the discussion which took place on foot of the report remains confidential.

Some of the information which is contained within a restricted report may become publicly available as part of the minutes which are presented to Council for ratification. This will depend upon the type of restricted information which is contained within the report and must still comply with the Council's obligations under the 2014 Act and under GDPR.

3.8

The minute must however be sufficiently clear for the public to understand the decision which has been taken. The minute book is usually published 3 days prior to the Council meeting and is publicly available in its entirety. If members wish to discuss those items at Council, it may be necessary to move into restricted session so as to ensure that the Council complies with its legal obligations as set out above. The Chief Executive will provide advice to the Council in this regard.

3.9

Should a member have a concern about a report being restricted they should contact the reporting officer to discuss this prior to Committee. In the event that agreement cannot be reached the City Solicitor will provide advice on how to proceed.

3.10

	<p>Members are reminded about the report which was presented to Committee at its November meeting setting out internal measures which could be taken in respect of Members posting restricted information on social media - Agenda for Strategic Policy and Resources Committee on Friday, 24th November, 2023, 9.30 am - Belfast City Council (www.internalminutes). This set out the general duty of confidence and reminds members that disclosure of confidential information is a breach of paragraph 4.15 of the Councillor's Code of Conduct.</p> <p><u>Financial and Resource Implications</u></p> <p>None</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>None</p>
4.0	Appendices - Documents Attached
	None