

## **Is my report exempt?**

In some instances it may be necessary to submit a report to a committee but withhold the whole report, or part of that report, due to the sensitive nature of information contained within it.

There are specific circumstances in which a report may be considered exempt which are set in legislation. When writing your report bear in mind the following circumstances to consider whether your report should be exempt;

*Local Government Act, Schedule 12A, Part 4;*

12. Information relating to a particular individual
13. Information which is likely to reveal the identity of an individual
14. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
15. Information relating to any consultation 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.
16. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
17. 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
18. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

If you are unsure if the report should be exempt or not you should contact Democratic Services or the Monitoring Officer for further advice and guidance. The principal to bear in mind however is that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

If your report is to be exempt you should let Democratic Services know as soon as possible if you have not already done so when adding the item to the forward plan of the relevant committee.

When submitting your report to Democratic Services for publication with the agenda you must also include an exemption certificate which give details as to why the report is exempt and not for publication. This certificate will be publicly available with the agenda in place of the report so the reasoning for the exemption should be made clear on this form. The exemption certificate is available overleaf.

Further information on definitions and exemptions is available within the Local Government Act at the following link; <http://www.legislation.gov.uk/ukpga/1972/70/schedule/12A>



**SCHEDULE 12A LOCAL GOVERNMENT ACT 1972  
EXEMPTION FROM DISCLOSURE OF DOCUMENTS**

**Meeting and Date of Meeting: Audit Committee Thursday 9<sup>th</sup> January 2020**

**Report: Unfavourable Audit Opinions – January 2020**

**Author: Andrew Wathan, Chief Internal Auditor**

I have considered grounds for exemption of information contained in the background paper for the report referred to above and make the following recommendation to the Proper Officer:-

**Exemptions applying to the report:**

[Enter the section and reason of the exemption, as defined by the Local Government Act set out above e.g – This report will be exempt under paragraph 12 of Schedule 12A – Information relating to a particular individual]

Local Government Act, Schedule 12A, Part 4, Section 14 - Information relating to the financial or business affairs of any particular person (including the authority holding that information). The report names suppliers / contractors where it has been identified that there were either no agreements or contracts in place at the time of the audit – this is considered to be commercially sensitive information.

**Factors In favour of disclosure:**

Openness & transparency in matters concerned with the public

**Prejudice which would result if the information were disclosed:**

[Give a brief indication of what information would be disclosed and the impact of its disclosure]

The names of suppliers / contractors have been stated in the report following an internal audit review in several areas of the Council where it has been identified that agreements / contracts were not in place at that time. Alternate suppliers in the market could significantly inflate their costs of provision if this matter was known and the Council went out to tender for the respective services.

**My view on the public interest test is as follows:**

Factors in favour of disclosure are outweighed by those against.

**Recommended decision on exemption from disclosure:**

Maintain exemption from publication in relation to report

Date: 31 December 2019

Signed:

A P Wathan



31-12-19.

Post:

Chief Internal Auditor

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I accept/I do not accept the recommendation made above

Signed:



[Chief Officer / Head of Service / Chief Executive]

Date:

06/01/2020

