

OVERVIEW AND SCRUTINY COMMITTEE

DATE OF MEETING: 15 DECEMBER 2020

TITLE OF REPORT: CONFIDENTIALITY OF INTERNAL COUNCIL COMMUNICATIONS

Report of: Monitoring Officer

1 PURPOSE OF REPORT

- 1.1 To advise Member and Offices on the approach to confidentiality with respect to internal communications within the Council.

2 OFFICER RECOMMENDATION

- 2.1 This is an information report only.

3 BACKGROUND

- 3.1 All Council business is subject to transparency rules such as (but not limited to) the Freedom of Information Act, the Environmental Information Regulations and the Subject Access provisions of the Data Protection Act etc.
- 3.2 The Council, however, also needs safe space to think in private. There are occasions where a safe space is needed to give sensitive information, develop ideas, debate live issues, and reach decisions away from external interaction and distraction. This is why sometimes internal communication should be kept within the Council.
- 3.3 The need for a safe space will be strongest when the issue is still live. There may also be a need however, of a safe space for a short time after a decision is made in order to properly promote and explain its key points.

4 Considerations

- 4.1 The most effective approach to the question of confidentiality is to adopt a simple 'traffic light' approach:

WHITE or **GREEN** - This is the default approach. Unless otherwise identified as having some element of confidentiality, **disclosure is not limited**. Any communication can be made public and shared with third parties. It can be downloaded, copied, reused, and published on social media for example.

AMBER – **This is sensitive information intended for internal Council use only**. It can be shared internally within the Council's business environment, but it must **not** be shared with anyone outside the Council. For emails for example, this means that it must **stay within** the Council's Office 365 environment. The content can however, be modified and downloaded, but it cannot be copied and printed.

RED – **Not for disclosure, restricted to participants only**. This is the highest confidentiality. It will be used only **rarely** where there is **specific** justification. Recipients **must not share** any part of the information or content with anyone else, even within the Council's business environment. For emails for example, they cannot be shared, forwarded, printed, or content copied.

Working Groups

Formal Arrangements

- 4.2 Where formal Working Groups are set up, they will have terms of reference that will include reference to the approach to confidentiality. Working Groups do not meet in public although it is good practice to publish minutes where appropriate. Attendance, therefore, will be by invitation only in accordance with the Group's terms of reference. Working Groups may often discuss matters that require either a safe space or address issues that are properly to be dealt with confidentially. While it will be a matter for each Working Group to decide, sometimes on a case by case basis, it is reasonable to expect that activity of Working Groups will often fall within either **AMBER** or even some **RED** matters of confidentiality.

Informal Working Groups

- 4.3 There are occasions where Members come together informally to discuss matters of common interest. Such informal arrangements will **not** normally be the subject to any restraint on confidentiality. The expectation should be that information gathered from such arrangements can be shared.

Member Briefings

- 4.4 Member Briefings are important to keep Members apprised on current topics of interest. In general, these briefings will be **WHITE/GREEN** with the information being open to sharing **unless** a matter of confidentiality is specifically identified.

5 CONCLUSION

- 5.1 Openness and transparency is the default unless Members are otherwise specifically advised of a matter of confidentiality. The 'traffic light' system will help this understanding. Its use of three categories is simple, if not simplistic. There will always however, be cases where it is not suited to the situation. Its simplicity, however, makes it ideal for most Council business scenarios.

Contact Details: Daryl Phillips, email: daryl.phillips@hart.gov.uk