

**Subject:** Confidential Information Protocol      **Status:** For Publication

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**Report to:** The Standards Committee      **Date:** 22<sup>nd</sup> September 2008

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**Report of:** Executive Director – Business (Monitoring Officer)

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**Portfolio**

**Holder:** Finance and Resources

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**Key Decision:** No

Forward Plan       General Exception       Special Urgency

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**1. PURPOSE OF REPORT**

1.1 This report recommends a short protocol for dealing with the situation where a member may wish to release information which is believed to be confidential.

**2. CORPORATE PRIORITIES**

2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective.

- Well Managed Council (Improvement, Community Network)

**3. RISK ASSESSMENT IMPLICATIONS**

3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- The Standards Board recommends that Authorities should adopt protocols which give Members guidance on the disclosure of confidential information.

#### **4. BACKGROUND AND OPTIONS**

4.1 Paragraph 4 of the new Code of Conduct provides that members must not disclose information given to them in confidence by anyone, or information acquired by them which they believe is of a confidential nature except where:

- (a) the disclosure has the consent of a person authorised to give it;
  - (b) there is a legal requirement to disclose it;
  - (c) the disclosure is made for the purposes of obtaining professional advice;
- or
- (d) the disclosure is reasonable, in the public interest, made in good faith and in compliance with the reasonable requirements of the Authority.

4.2 The purpose of this report is to propose some “reasonable requirements” for the purposes of paragraph (d) above.

4.3 The Standards Board for England has helpfully, in its guide for members May 2007 on the Code of Conduct set out some guidance on what is ‘reasonable’ disclosure. The attached Protocol at Appendix 1 sets out a draft of the Council’s reasonable requirements.

#### **COMMENTS FROM STATUTORY OFFICERS:**

#### **5. SECTION 151 OFFICER**

5.1 There are no specific financial implications arising from the report.

#### **6. MONITORING OFFICER**

6.1 The Standards Board for England has encouraged Local Authorities to adopt protocols which give Members guidance on the disclosure of confidential information.

#### **7. HEAD OF PEOPLE AND ORGANISATIONAL DEVELOPMENT (ON BEHALF OF THE HEAD OF PAID SERVICE)**

7.1 There are no specific human resource implications.

#### **8. CONCLUSION**

8.1 To assist Members in interpreting the Code of Conduct regarding the disclosure of confidential information, it is appropriate to adopt a protocol to be read alongside the Code of Conduct.

**9. RECOMMENDATION(S)**

9.1 That the Protocol be agreed.

**10. CONSULTATION CARRIED OUT**

10.1 Chair of Standards Committee

**11. EQUALITY IMPACT ASSESSMENT**

Is an Equality Impact Assessment required No

Is an Equality Impact Assessment attached No

**12. BIODIVERSITY IMPACT ASSESSMENT**

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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