

**Greater Lincolnshire LEP**  
**Policy No 3 - Confidential Reporting Policy and Procedure**

**Scope**

The purpose of this policy is to protect the interests of individuals and organisations working with Greater Lincolnshire LEP who can expect Greater Lincolnshire LEP to uphold their confidentiality. All LEPs need to demonstrate accountability and transparency but also ensure confidence is kept and commercial sensitivity is respected.

Unless covered by this policy, all Board and decision making committee agendas, papers and minutes will be published on the GLLEP website in line with the Government Best Practice Guidance. This policy relates to the Greater Lincolnshire LEP Board and the Investment Committee. All other boards within the LEP structure are advisory, and papers are published on our website.

**Access to Agenda and Reports**

At least 5 clear working days number before decision making boards, the Greater Lincolnshire LEP and the Investment Committee, the following documents will be publicly available on the Greater Lincolnshire LEP website:

- A) the agenda for the meeting: and
- B) any reports which are to be made accessible in accordance to these procedure rules.

At least 10 clear working days after the meeting takes place, the minutes of the meetings will be published. This may be in draft if internal LEP processes require clearance before the minutes are finalised. The final minutes will be published within 5 clear working days of being approved at the following meeting.

**Confidential and exempt items**

The only exception to publishing LEP papers in line with policy on the LEP website relates to material of a personal, confidential or commercially sensitive nature that includes, but is not exclusive to the following:

- Information provided by a government department on terms which forbid the disclosure of the information to the public;
- Where disclosure to the public is prohibited by a court or;
- Where the LEP holds “exempt information” under [Schedule 12A of the Local Government Act 1972](#). This includes information relating to an individual, relating to the financial or business affairs of a particular person, negotiations, labour relations, legal professional privilege and in connection to the investigation or prosecution of a crime.
- Where a commercial action is noted that may be compromised or adversely affected by the information being in the public domain

The table below sets out the exemption descriptions and qualifications:-

Description of exempt information	Qualification
1. Information relating to any individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person including the authority holding that information)	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Information falling within paragraph 3 is not exempt information by virtue of that paragraph 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 to 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	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
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	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
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### **Application of the Rules**

The Greater Lincolnshire LEP has a standard process for marking documents which are not for publication but for consideration at meetings:

- The agenda item will be marked confidential on the agenda
- Papers will be circulated with a confidential watermark and not published on the website
- Members will be expected not to circulate the confidential papers and will be mindful of hard copies in their possession.
- Any hard copy confidentially marked papers will be disposed in confidential waste
- A brief minute will be made on the item for publication – the chair may request an additional confidential minute is kept and not published
- On occasions, some papers or minutes may be published with parts redacted

The decision for which documents are designated as confidential will be taken by the Director or authorised delegate of GLLEP. The GLLEP Board have agreed that the position taken by the LEP Director is to be cautious and where there is a risk that confidentiality or commercially sensitive materials are involved, this should be treated as confidential and not published. This decision will be taken prior to the finalisation of the agenda and reviewed before the final issue of the papers. It will be reviewed again at the time of the publication of the minutes.

The Finance and Audit Committee will oversee the policy and ensure that the balance is being struck between accountability and transparency and ensuring that confidence is kept and commercial sensitivity is respected. The Policy shall be reviewed annually by the LEP Board to ensure compliance with national guidance and best practice and compliance with the law.

### **Additional rights to information**

These rules do not affect any more specific rights to information contained elsewhere in the Assurance framework or the law, in particular the public may have additional rights of access to information under:-

Local Government Act (1972)    Human Rights Act (1998)  
 Data Protection Act (1998)    Public Interest Disclosure Act (1998)  
 Freedom of Information Act (2000)    General Data Protection Regulations (2015)

### **Review**

Policy No 3 Confidential Reporting – Policy and Procedure shall be reviewed by the Greater Lincolnshire LEP Board.

### **Version 1 – November 2018**

**This version was approved at the 30<sup>th</sup> November 2018 LEP Board**

**This document will therefore be reviewed at the May 2020 LEP Board**

<b>Policy 3: Confidential Reporting Policy</b>
<b>Reviewed:</b> November 2018
<b>Review Date:</b> May 2020
<b>Lead Officer:</b> Kate Storey