



CORPORATE HEALTH & SAFETY COMMITTEE - 13TH MAY 2009

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS

SUBJECT: LEGIONELLA UPDATE

REPORT BY: DIRECTOR OF CORPORATE SERVICES

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

EXEMPTIONS APPLYING TO THE REPORT:

Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Paragraph 14). Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (Paragraph 16).

FACTORS IN FAVOUR OF DISCLOSURE:

That there is a legitimate public interest in having full disclosure with regard to the way in which the Authority has dealt with legionella.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

This Report contains financial information of private companies who have carried out work on behalf of the Authority. The report also refers to the possible courses of action that are available to the Authority based on the receipt of legal advice.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

Due to the fact that the report contains reference to the legal advice that has been obtained with regards to contracts entered into by the Authority, the public interest test does not apply to a Section 16 exemption.

RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:

This report should be presented on an exempt basis due to the legal position that has been detailed in the report, including the reference to legal advice.

Signed:

Dated: 29 April 2009

Post:

Head of Legal Services

I accept the recommendation made above.

Signed:

Proper Officer

Date:

29 APRIL 2009