



**CORPORATE HEALTH AND SAFETY COMMITTEE –
1ST JUNE 2011**

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS

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

SUBJECT: ASBESTOS MANAGEMENT

REPORT BY: NIGEL BARNETT, DEPUTY CHIEF EXECUTIVE

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 a particular individual (paragraph 12) 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 the treatment of asbestos found in public buildings.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

The report contains information about individuals who are employed by the Authority which could lead to them being identified from it. This report also contains business information of a private company who have carried out work on behalf of the Authority who are currently being investigated by the HSE. In addition, consideration is being given to bring in legal proceedings.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

That paragraphs 12, 14 and 16 should apply. My view on the public interest test is that whilst there is a need to ensure transparency and accountability of a public Authority, under paragraph 12 to disclose this report would result in individuals personal data being disclosed which could be a breach of the Data Protection principles. With regard to paragraph 14 the HSE are still investigating and to disclose the information could affect the business affairs of the company. In relation to paragraph 16 consideration is being given to proceedings.

On this basis I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider these factors when determining the public interest test which they must decide when considering excluding the public from this part of the meeting.

RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:

On that basis I feel the public interest in maintaining the exemption outweighs the public interest in disclosing the information, and that the report should be exempt.

Date: 26 May 2011



Signed: D. Gareth Richards

Post: Principal Solicitor

I accept the recommendation made above.

Signed:



Proper Officer

Date:

26.5.11
