



**POLICY AND RESOURCES SCRUTINY COMMITTEE –
21ST APRIL 2009**

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS

SUBJECT: PENALLTA HOUSE

REPORT BY: CHIEF EXECUTIVE

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendation 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)

Factors in favour of disclosure:

That there is a legitimate public interest in all aspects of the provision of new office accommodation for the Authority and in particular the cost of such accommodation.

Prejudice which would result if the information were disclosed:

The report contains information relating to ongoing contractual disputes with the Contractor. Disclosure would reveal sensitive issues relating to the Contractor's financial and business affairs and may prejudice resolution of the various disputes and cause additional difficulties for a very important project.

My view on the public interest test is as follows:

That paragraph 14 should apply. I am mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, but the right of a third party to the privacy of their financial/business affairs, and the potential effect that disclosure may have on resolution of a contract disputes and on the project as a whole, outweighs the need for that information to be made public

This information is not affected by any other statutory provision requiring the information to be publicly registered.

On that basis I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor 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:

That the public interest in maintaining the exemption outweighs the public interest in disclosing the information, and that the report should be exempt.

Date: 2nd April 2009

Signed: *J. C. Rogers*

Post: Principal Solicitor

I accept/do not accept the recommendation made above.

A handwritten signature in red ink, appearing to be 'J. C. Rogers', written over a faint circular stamp.

Proper Officer

Date: 2009