

My Ref : FOI31535
29th June 2006



Request for Information : Common Purpose Course

I refer to our discussions in relation to your FOI request, as follows :

A Additional Information Requested

(i) Responses To FOI Officer's Note Of 18th May 2006 Advising Of Receipt Of Request

This has been enclosed, including details of the FOI log-in form and FOI action-form, and the email sent to Common Purpose. I have also enclosed all information generated after your request was submitted.

(ii) Notes Taken by the Attendees of the Course.

Please see B (iv) below.

(iii) Transactions - Costs of Course Attendance, Room Hire, Food Order and Refreshments

As per our recent conversations, you have now asked for information relating to the costs and other financial transactions, regarding both the course itself and the event held at the Town Hall on the 17th May 2006. This has been enclosed.

The transaction for the room hire has not yet been processed and no invoice has been generated. However, it is expected that they will receive a discounted rate, as is usual practice with similar organisations (e.g. The Rotary Club, Maidenhead Advertiser, Campaign for the Protection of Rural England and the Windsor, Ascot and Maidenhead Primary Care Trust).

For the food order, it is expected to cost around £210 (provided externally) and for the refreshments, this is likely to be around £80 (provided internally). I have enclosed details of the former. Please note that information relating to other events, which are not connected with Common Purpose, has been removed.

(iv) Other Information

In view of your concerns about missing emails and other information, a further search was carried out, on your behalf. Additional information has been found, for which I apologise for not sending you in the first place. As above, please note that information not relating to your request or to Common Purpose, has been removed.

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direct lines whenever quoted.

B. PUBLIC INTEREST TEST

Further to our recent telephone conversations concerning your request for information about Common Purpose, I am writing to confirm and clarify the reasons why some information was withheld.

As part of the consideration of your Freedom of Information request, I discussed the information requested with Sam Stewart of Common Purpose. Ms Stewart informed me that the Course operated under Chatham House rules and that a fundamental aspect of how the course operates was confidentiality. In particular that individuals attending it should be free to note or discuss issues without fear they would be reported or discussed outside of the course.

In addition, some materials relating to the course, including any such notes or discussions, were confidential to the company and the individuals who were in attendance. Ms Stewart stated that confidentiality was a fundamental part of their business reputation and that if such information were released, then it would be damaging to their business interests.

(i) Home and Private Email Addresses, including Biographies.

This relates to the home and private email addresses of Council employees, as well as their personal biographies and sensitive employment related information. The information is personal sensitive information concerning an employee; is not in the public domain; and some of it would seriously infringe the family life of the individuals concerned.

Decision : The Council considers that this is private information and is therefore exempt under s.40 (Personal Information) of the FOIA. No further exemption was used, although some of it may have been exempt under s.36 (Prejudice to the Effective Conduct of Public Affairs) of the Freedom of Information Act 2000 as well.

(ii) Usernames and Passwords of the two RBWM employees on the Common Purpose course

This relates to the access codes for electronic information off a password protected part of the Common Purpose website.

The arguments in favour of release of the information were :

- that the costs of the Course are being met from public funds and therefore the public have a right to know what its money is being spent on.
- that release of the access codes would enable the public to consider whether the Council are receiving good value for money from the course.

The arguments against release of the information under s.41 were :

- the information was supplied to the Council (i.e. the two employees on the course) on the strict grounds of confidentiality and the Council has a duty of confidence. Release of the information would therefore be an actionable breach of confidence.

The arguments against release of the information under s.43 were :

- each course is unique, so the information on the secure part of the website could be considered a trade secret and would be damaging to the commercial interests of the company if released.
- that if the Royal Borough were to release this information, then it would damage the Council's relationship with Common Purpose and make it more difficult to work with companies where confidentiality was important. This would be damaging to the Council's commercial interests.

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Decision : The Council considers that the access codes for a password protected site was provided to the two employees of the Council on the strict understanding that it was confidential. In addition, the Council does believe that release of this information would damage the commercial interests of both Common Purpose and the Royal Borough and is therefore exempt under s.41 (Information Provided in Confidence) and s.43 (Commercial Interests) of the FOIA.

(iii) Names/email addresses of non-RBWM employees, including details of the Visitors Book.

This information relates to the names and email addresses of those individuals who are attending the course, but who are not Royal Borough employees.

The arguments in favour of release of the information were :

- that the costs of the Course are being met from public funds and therefore the public have a right to know what its money is being spent on.
- that the day was hosted by and sponsored by the Council from public funds.
- that release of the names and email addresses would enable the public to know who else the Council is networking with.

The arguments against release of the information under s.40 were :

- the non-RBWM employees were not aware that their details would be made public when they agreed to go on the Course.
- the information was provided to the two employees of the Council attending the course on a confidential basis, solely in order to enable them to know and contact the other people on the Course.

The arguments against release of the information under s.41 were :

- the information was supplied to the Council (i.e. the two employees on the course) on the strict grounds of confidentiality and therefore, the Council has a duty of confidence. Release of the information would therefore be an actionable breach of confidence.

The arguments against release of the information under s.43 were :

- that if the Royal Borough were to release this information, then it would be more difficult to work with companies where confidentiality was important and therefore damaging to the Council's commercial interests.

Decision : The Council considers that the names of the non-RBWM employees who are on the course is personal information and release of the information to third parties or for all other purposes, would be a failure to process the information fairly and lawfully.

In addition, the information is held on the strict understanding that it is confidential to Common Purpose. The Council also believes that release of this information would damage the commercial interests of both Common Purpose and the Royal Borough. This information is therefore exempt under s.40 (Personal Information), s.41 (Information Provided in Confidence) and s.43 (Commercial Interests) of the FOIA.

(iv) Notes Taken by the Attendees of the Course.

This relates to the handwritten and other notes made by the RBWM employees on the course.

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The arguments in favour of release of the information were :

- that the costs of the Course are being met from public funds and therefore the public have a right to know what its money is being spent on.
- that release of the notes would enable the public to consider whether the Council are receiving good value for money from the course.

The arguments against release of the information under s.41 were :

- a duty of confidence applies to the Royal Borough, as the information is only held by the two individuals on the course and it was provided on the strict understanding that it would not be disclosed. Release of the information would therefore be a actionable breach of confidence.

The arguments against release of the information under s.43 were :

- some companies and other third parties would be less likely to use them, as confidentiality was a key aspect of their business approach.
- each course is unique, so the specific course materials, including private notes, could be considered a trade secret.
- that if the Royal Borough were to release this information, then it would be more difficult to work with companies where confidentiality was important and therefore potentially damaging to the Council's commercial interests.

Decision : The Council considers that the handwritten notes made by the two employees of the Council are held on the strict understanding that they are confidential to Common Purpose. In addition, the Council does believe that release of this information would damage the commercial interests of both Common Purpose and the Royal Borough. This information is therefore exempt under s.41 (Information Provided in Confidence) and s.43 (Commercial Interests) of the FOIA.

I hope that this clearly sets out the reasons why some of the information you requested has been withheld. If you would like to complain about this decision notice or would like any further assistance, please let me know.

Thank you for your request.



Rupert Avery (01628 796168)
Corporate Policy Officer (Freedom of Information)