

PROTOCOL D: REQUIREMENTS OF THE COUNCIL RELATING TO THE DISCLOSURE OF CONFIDENTIAL MATERIAL

D1	Introduction								
D1.1	<p>Paragraph 3.2 (d) of the Members' Code of Conduct provides that you must not disclose confidential information, except in the circumstances specified in the code. It refers to circumstances where the disclosure is:</p> <table> <tr> <td>(a)</td><td>with the written consent of the person authorised to give it; or</td></tr> <tr> <td>(b)</td><td>required by law; or</td></tr> <tr> <td>(c)</td><td>made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or</td></tr> <tr> <td>(d)</td><td>reasonable and in the public interest; and made in good faith and complies with any reasonable requirements of the Council.</td></tr> </table>	(a)	with the written consent of the person authorised to give it; or	(b)	required by law; or	(c)	made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or	(d)	reasonable and in the public interest; and made in good faith and complies with any reasonable requirements of the Council.
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D1.2	The purpose of this protocol is to specify the Council's requirements with which you are required by the code to comply.								
D2	Confidential Information								
D2.1	Confidential information is defined in the code as "information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature".								
D3	'Good Faith'								
D3.1	The Members' Code of Conduct does not define 'good faith', but a disclosure made in good faith shall, for the purposes of this protocol, be deemed to mean a disclosure made in the reasonable belief that the information disclosed is substantially true and disclosed without malice or a view to gain.								
D4	Public Interest								
D4.1	<p>The Members' Code of Conduct does not define what is in the "public interest" but, for the purposes of this protocol, a disclosure is deemed to be in the public interest if a member of the public with knowledge of the relevant facts would reasonably regard it as appropriate for you to disclose the information, having regard to:</p> <table> <tr> <td>(a)</td><td>the seriousness of the matter disclosed; and</td></tr> <tr> <td>(b)</td><td>the likelihood of any malpractice or impropriety continuing or being likely to occur in the future.</td></tr> </table>	(a)	the seriousness of the matter disclosed; and	(b)	the likelihood of any malpractice or impropriety continuing or being likely to occur in the future.				
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D5	Disclosure
D5.1	As a first step, you should ask the Chief Officer concerned to confirm whether the information which you have is "substantially true" and, if so, why the information is treated as confidential. There may be legal reasons for this, such as a duty to keep the information confidential imposed by law. Or it may be that disclosure might compromise the financial or business affairs of the Council or a contractor or supplier. Your enquiry will be judged against the restrictions imposed upon the release of information under the Freedom of Information Act 2000, Environmental Information Regulations 2004 or other relevant statutory provisions and you will be sent a full written explanation as to whether the information can be disclosed and, if not, the reasons why it should not be disclosed.
D5.2	If, having completed this process, you are not satisfied with the reasons why information should not be disclosed and are still of the view that it is in the public interest for the information to be disclosed, you should raise the matter with the leadership of your political group and with the Chief Executive.
D5.3	Only once you have completed this process and you have not been given proper reasons why the information should not be disclosed should you then consider making such a disclosure.