

# BEARSTED PARISH COUNCIL

## INCLUSIONS AND EXEMPTIONS FOR PUBLISHING DATA POLICY

### Document Reference – BPC\_POL32

#### Version History & Change Control

Version	Release Date	Distribution	Notes	Adopted?	Date Adopted
0.1	2 <sup>nd</sup> March 2016	Finance Committee	For review and adoption if approved		
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#### Document Sign Off and Adoption

Signed off for Adoption by Councillor 1:

Signed off for Adoption by Councillor 2:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Adoption Witnessed by the Clerk to Bearsted Parish Council:

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Document Purpose

This document outlines the principles and Government Acts relating to what data should be published and what should be redacted by Bearsted Parish Council.

### 1. Examples of data to be included

The table below gives specific examples of transactions that should be included in publication.

Number	Examples of transactions that should be published	Reason
1	Payments to other government and public sector bodies	All transactions whether with other public or private sector bodies should be included
2	Payments to government or other third-party service providers	All transactions should be included
3	Payments to sole traders	Business rather than personal expenditure
4	Payments for secondees	Payment for service rather than personal or pay bill expenditure. However, if a secondee's pay becomes transparent, this should be redacted.
5	Travel and subsistence claims as a cumulative cost per month	Transparency of expenses and Freedom of Information (FOI)
6	Service charge element of pension contributions	
7	Ex-gratia payments above a contract price	The full payment cost is required
8	Credit notes	Needed to ensure correct transaction values have been recorded
9	Policy lending (other than to individuals, or funds management)	Regarded as spend
10	Gifts	Publishable under FOI
11	Rent and business rates	Standard expenditure costs

### 2: Examples of data to be excluded or redacted

The main principles follow the exemptions provided by the Freedom of Information Act. Key redactions will relate to data that is protected under the Data Protection Act – particularly relating to children and vulnerable persons. Please note this section should be read in conjunction with the examples of data to be included in the above section 1.

The table below gives examples of the types of transactions that may be redacted or excluded from publication:

Number	Examples of transactions that may be excluded from publication	Reason	Redacted or excluded
1	Salary payments to staff – including bonuses – except when published under the senior salary scheme. These will be published separately	Personal information protected by the Data Protection Act	Excluded
2	Pension contributions – excluding service charge – and National Insurance Contributions	Personal information protected by the Data Protection Act	Excluded
3	Severance payments	Personal information protected by the Data Protection Act	Excluded

4	Payments to individuals from legal process – compensation payments, legal settlements, fraud payments	Personal information protected by the Data Protection Act. In exceptional circumstances you may want to exclude the data	Redacted
5	Competition prizes – where a normal part of operations	Personal information protected by the Data Protection Act	Redacted
6	Settlements made with companies as an arbitration which is conditional on confidentiality	Commercial-in-confidence – exempt under FOI	Redacted
7	Potential betrayal of a commercial confidence, or prejudice to a legitimate commercial interest	Very rare and will need to be justified	Redacted
8	Transactions relating to the financing or underwriting of debt, for example, purchase of credit default swaps	Outside the definition of expenditure for this purpose	Excluded
9	Provisions or promises to pay not yet realised		Excluded

### 3. Exemptions in the Freedom Of Information Act 2000 (20<sup>th</sup> November 2000)

#### Absolute exemptions

- Information supplied by, or relating to, bodies dealing with security matters (s23)
- Court Records (s32)
- Parliamentary privilege (s34)
- Prejudicial to effective conduct of public affairs – only information held by House of Commons or House of Lords (s36)
- Personal Information – where the applicant is the subject of the information or where the information concerns a third party and disclosure would breach one of the data protection principles (s40)
- Actionable breaches of confidence (s41)
- Where disclosure would breach another enactment or would constitute a contempt of court (s44)

#### Qualified exemptions

- Information held with a view to publication at a future date (s22)
- National Security (s24)
- Defence (s26)
- International relations (s27)
- UK administrations relations (s28)
- UK economic interests (s29)
- Investigation of offences and criminal matters (s30)
- Law enforcement (s31)
- Audit functions (s33)
- Formulation of government policy, ministerial communications (s35)
- Prejudicial to effective conduct of public affairs – except information held by House of Commons/House of Lords (s36)
- Communications with the Queen, the Royal Family or concerning honours (s37)
- Health and safety (s38)
- Environmental Information (s39)
- Personal Information – personal information about a third party the release of which would not be in breach of the Data Protection Act (s40)
- Legal professional privilege (s42)
- Commercial Interests (s43)