


GREATER LONDON AUTHORITY


By email

Our Ref: MGLA251016-0839

22 November 2016

Dear 

Thank you for your request for information which the GLA received on 25 October. Your request has been dealt with under the Environmental Information Regulations (EIR) 2004.

You requested:

"Please can you send me the GLA's internal minutes of meetings - including actions agreed - since January 2015 and up until today's date at which any employee or employees of the GLA attended in their capacity as members of the Strategic Growth Board, the Officer Project Board and Opportunity Area Planning Team established by Kingston Council in March 2015 and at which a possible Opportunity Area or possible Opportunity Areas in Kingston have been discussed ."

Please find the relevant information attached. We have redacted a small amount of personal data contained within some of the documents in accordance with the provision under regulation 13(1) of the EIR. After careful consideration we have also decided to withhold some information under regulation 12(4)(d) of EIR because it is from a draft for an unfinished document, "Development Capacity Scenarios" that will be finalised and published on the Royal Borough of Kingston Upon Thames's website in early 2017. A detailed explanation about how this provision of the EIR has been engaged can be found in the annex to this letter.

If you have any further questions relating to this matter, please contact me, quoting the reference at the top of this letter.

Yours sincerely

Ruth Phillips
Information Governance Officer

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>

Annex

Exception provisions

Regulation 2(c) of the EIR defines environmental information as including information on “measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b)...”.

Regulation 12(4)(d) - a public authority may refuse to disclose information to the extent that the request relates to material which is still in the course of completion, to unfinished documents, or incomplete data;

How the exception applies to this information

EIR regulation 12(4)(d) can be engaged when a request relates to material that is either still in the course of completion, to unfinished documents or to incomplete data. If the information in question falls into one of these categories, then the exception is engaged.

Guidance published by the Information Commissioner’s Office (ICO)¹ confirms that, because the exception differentiates between the terms ‘material in the course of completion’ and ‘unfinished documents’, the provisions of this exception can apply to different types of information. This regulation also refers to ‘incomplete data’ but this term is not applicable in this case as it is not relevant to the information captured by your request.

The EIR exception of regulation 12(4)(d) has been engaged by information contained in two of the documents we have provided which is part of an unfinished document. Certain elements are additionally subject to ongoing discussions. To the extent this specific information is incomplete, unresolved or otherwise undecided, it falls within the limbs of the exception that refer to unfinished documents and to material in the course of completion.

This exception is subject to a public interest test

¹ ICO EIR Guidance; regulation 12(4)(d) - https://ico.org.uk/media/for-organisations/documents/1637/eir_material_in_the_course_of_completion.pdf

Public Interest Test

Under regulation 12(1)(b), the public authority can only withhold the information if, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information. Furthermore, under regulation 12(2), it must apply a presumption in favour of disclosure.

The 'public interest' is not the same as what might be of interest to the public. In carrying out a PIT we consider the greater good or benefit to the community as a whole if the information is released or not. The 'right to know' must be balanced against the need to enable effective government, deliver efficient policing and to serve the best interests of the public. The Environmental Information Regulations are 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone.

Considerations favouring disclosure

There is an underlying rationale supporting the disclosure of environmental information, as outlined in Directive (2003/4/EC), which gave rise to the Environmental Information Regulations that increased public access brings greater awareness, more participation in environmental decisions and a better environment.

There is a strong public interest in transparency of information contained in the draft document that would allow members of the community to understand and contribute to discussions and decisions that affect them.

Considerations favouring maintaining the exemptions

It would not be in the public interest to release some of the information that we hold at this time as it relates to ongoing work towards the "Development Capacity Scenarios" document that will be finalised and published on the Royal Borough of Kingston Upon Thames's website in early 2017.

The best interests of the public – i.e. the public interest – lie in the ability of the GLA to protect work that is in progress by delaying disclosure until a final or completed version can be made available, allowing officers a 'safe space' in which to finish ongoing work without interruption and interference from outside; and provide some protection from having to spend time and resources explaining or justifying ideas that are not or may never be final. The information being worked on is due to be made public in early 2017 when it will be published on Kingston's website.

I believe that these considerations outweigh the public interest in disclosure at this time. I hope that the decision to release the majority of the information covered by your request into the public domain helps demonstrate our acknowledgement of the public interest favouring the disclosure of information regarding this matter.