

ACCESS TO INFORMATION PROCEDURE RULES

25.3 Appeals where a Member is denied inspection of a document

- 25.3.1 If a Member is denied inspection of a document under their statutory rights or their need to know rights, they may appeal to the Executive Board. A decision made by a Director to withhold the inspection of any internal document shall be valid and remain in force unless and until altered on an appeal.
- 25.3.2 A Member will give notice in writing of an appeal to the Chief Democratic Services Officer, who will make arrangements for a meeting of a committee of the Executive Board to be convened to determine the appeal.
- 25.3.3 The committee of the Board will meet to determine the appeal as soon as reasonably practicable, and in any event within 20 working days of receipt of the notice of appeal.
- 25.3.4 The Member making the appeal, and the Director who decided to withhold inspection (or nominee) will each submit a written report to the Chief Democratic Services Officer, who will supply copies of the same to the Member, the Director and each member of the committee at least 5 working days before the date of the committee meeting.
- 25.3.5 The Chief Democratic Services Officer will supply each member of the committee with a copy of the document to which the appeal relates, before the date of the committee meeting.
- 25.3.6 The Director (or nominee) will be called before the committee to explain and justify the reasons for withholding inspection, and the committee may question that officer. The Member will usually be called before the committee at the same time, but the committee may exclude the Member at their reasonable discretion where it appears to them that any of the contents of the document to which the appeal relates may otherwise be revealed to the Member.
- 25.3.7 The Member will then be allowed to make representations to the committee, and the committee may question the Member. The committee may exclude the officer at their reasonable discretion.
- 25.3.8 The committee may permit the Member to ask questions of the officer, and vice versa at their reasonable discretion.
- 25.3.9. Both the officer and the Member will then withdraw so that the committee may consider whether or not to release the document. The committee will be guided on matters of law and procedure by the Assistant Chief Executive (Corporate Governance) (or nominee) and if necessary may adjourn the proceedings in order to obtain further legal advice.

25.3.10 As soon as the committee have made their decision, the officer and the Member will be recalled, and the decision announced.

25.3.11 All internal documents and copies produced for inspection following a decision of a committee of Executive Board to release the same will be so produced on the basis that, in that absence of malice, Members and officers of the Council are expressly indemnified by the Council in respect of any claims in litigation that may result from such publication.