

Groups comments on Constitution

Officer Member Protocol

Section 10b

Liberal Democrats	Conservatives
<p>6.1 Members are free to approach any department for such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as members of the Council. This can range from a request for general information about some aspect of a department's activities to a request for specific information on behalf of the constituent. Such approaches should normally be directed to the manager of the particular service concerned. However, if a planning matter, Councillors are encouraged to contact the case officer. Members have a right of access to such meetings, documents and information of the Council as are necessary for the proper discharge of their functions, and in accordance with the law. This applies when:</p> <p>Response: Discussion needed.</p> <p>This is restricting members access to information. We understand the need to respond to deliberate disruptive behaviour, and the need to comply with GDPR.</p> <p>We do not support curtailing the rights of all councillors in response to disruptive behaviour from some.</p> <p>The specific cases for which information will be offered excludes "Scrutiny of council activities" and while this may lie close to "disruption" it is also an important role. We need the right balance between Disruption, GDPR, and Scrutiny.</p>	
<p>6.3</p> <p>Response: as above – balance and discussion is needed</p>	
<p>6.5</p> <p>Where a member disagrees with a service's refusal to provide information, the Monitoring Officer will determine if it shall be released. with the advice from the solicitor. In the event of a dispute, the question will be determined by the standards committee</p> <p>Response: No. This says that the final route of appeal when information is withheld is the monitoring officer, where previously there was a route to appeal to the Standards Committee.</p>	

**The Monitoring Officer is very likely the same person that made the original decision to refuse. Having significant issues of propriety unilaterally decided by the Monitoring Officer without suitable oversight and transparency is a serious problem. It places the monitoring officer at risk of claims of wrongdoing. This is less transparent and robust.
Keep the appeal to Standards.**

6.6

~~In some circumstances, e.g. a member wishing to inspect documents relating to the functions of that committee, a members “need to know” will be presumed. In other circumstances e.g. a member wishing to inspect documents which contain personal information about third parties, a member will be expected to justify the request in specific terms.~~ When dealing with casework for their constituents, the member will seek written consent from the individual to access personal data held about them by the Council. Members, as data controllers, will be responsible for ensuring they have obtained the necessary consent, and will be personally responsible for the safe keeping on the data once provided.

Response: This seems Acceptable. However, ‘written consent’ may also be given via applications such as messenger/WhatsApp and should also be accepted.

6.7 Members have a duty not to make public any information which is confidential or exempt without the express consent of the Council, and a duty not to divulge to anyone, other than a fellow Councillor or Officer entitled to know it, any confidential or exempt information received from the Council. Information must be used only used for the legitimate purpose for which it is provided.

Response: Accepted as this appears to be inline with GDPR and offering protection to members. However, how is the ‘Express consent of the Council’ to be given, if requested?