

Reference: IR793

Date: 06 October 2021

Magor with Undy Community Council Report

I am writing in response to your request for information dated 8 September 2021 in which you requested information regarding Magor with Undy Community Council. For ease of reference, I have reproduced your question below in bold and set out our corresponding response:

I understand that you are in possession of an unredacted copy of the above Report, including comments made by individual Councillors. As I am aware that I am mentioned in the Report, and that it has been produced by a public body, using publicly-funded resources, I would be extremely grateful if you could send me a copy at your earliest convenience.

Having liaised with the audit team, I can inform you that we have completed audit work on Magor with Undy Community Council and prepared a “consideration document”, which, in order to meet principles of natural justice, has been provided to the Council for comment. We are in the process of considering whether a report should be published. This process has been delayed due to the impact of COVID across the public sector including Audit Wales. As part of this process, in January 2020, we sent relevant redacted extracts of the consideration document to identifiable individuals giving them first opportunity for comment. The extracts provided were of those sections of the document that related to the individuals. I have been informed by the audit team, that we received your comments in mid-January. We amended the document as we considered appropriate and sent you details of these amendments on 13 February 2020. We received further comments from you on 19 February 2020. A full copy of an amended consideration document was then sent to the Council on 16 March 2020. We received comments from the Council on 30 April 2020. The final version of the report will take into account the representations made by all parties.

I am withholding a copy of the unredacted version of the report, by virtue of the exemption at section 33(2) of the Freedom of Information Act 2000. I have considered the balance of the public interest in maintaining that exemption. While on

the one hand there is public interest in furthering public understanding in decisions relating to audit made by public bodies, so as to facilitate accountability for the use of public money, on the other hand fairness (natural justice) and effective audit would be undermined by disclosure of the unredacted report. A factor in favour of maintaining the exemption is to protect the integrity of the audit. A report that has had the benefit of representation of all comments, is very much more likely to facilitate proper accountability than an unredacted consideration document. I have therefore concluded that the public interest lies with maintaining the section 33 exemption, and I am therefore withholding the consideration document.

I am withholding information which is personal data, including opinion data of individual Councillors under section 40(2) of the Freedom of Information Act 2000, which is the exemption for third party data. This is on the basis that disclosure of those comments would be in contravention of principle (a), meaning the first condition applies, as disclosure would be unfair and in breach of data protection principles. This exemption is absolute and therefore does not require application of the public interest test.

It may be helpful to make you aware that if we decide to publish, on publication of the report, we will send a full copy to all identifiable persons as well as the Council. This will be done on the same day that the report is published.

If you wish to request an internal review about the handling of your request, please write to Martin Peters, Head of Law and Ethics, by email to martin.peters@audit.wales or by post to 24 Cathedral Road, Cardiff, CF11 9LJ. I must also refer you to section 50 of the Freedom of Information Act under which you may apply to the Information Commissioner for a decision on whether or not your request has been dealt with in accordance with the Act. The Information Commissioner's contact details are:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

email : casework@ico.gsi.gov.uk

Tel: 01625 545745
Fax: 01625 524510

You should note, however, that the Information Commissioner would normally expect you to have exhausted our internal complaints procedures before dealing with such an application. Further guidance may be found on the Information Commissioner's website: <https://ico.org.uk/>

If you have any queries, you are welcome to contact me.

Yours sincerely

Information Officer