

Extraordinary Meeting
Minutes of the Two Hundred and Twenty Third Meeting of the Northern Ireland Community
Relations Council
Monday 23rd August 2021
Via video conferencing software

3618/21 **Present:** Chair Mr M McDonald, Ms A Simpson (Board Member), Ms S McClelland (Board Member) (Board Member), Mr M McDonnell (Board Member), Ms M Braniff (Board Member), Mr J McCallister (Board Member).

3619/21 **Apologies:** Ms N Tandon (Board Member), Ms C Harris (Board Member), Mr R Campbell (Board Member).

3620/21 **In Attendance:** Ms J Irwin (CRC CEO), Mr G McKeown (CRC Director of Finance, Admin, and Personnel), Ms H George (CRC PA to CEO and Board).

3621/21 **Standard Checks**

- (a) *Members should declare any conflict of interests in any discussions where decisions were required.*
- (b) *Members need to register any offers of gifts or hospitality since the last Council meeting*

Ms M Braniff stated that the contract for the research being discussed was awarded to the organisation to which she is employed, however, she had no direct engagement in the project in any form.

3622/21 **Freedom of Information Request**

As noted in the papers for this meeting, The Community Relations Council, under the Freedom of Information Act 2000, received a Freedom of Information Request on the 12th April 2021, requesting:

1. *“Confirmation that CRC holds a copy of final Bonfire Scoping Exercise report*
2. *a copy of the final report”.*

CRC responded *“I am writing to advise you that, following a search of our paper and electronic records, I have established that the NI Community Relations Council does not hold a copy of the final Bonfire Scoping Exercise report requested”*

The applicant appealed the decision and asked that the appeal:

- 1) *‘consider that CRC has erred from the requirements of FOIA in its decision, in digressing from an ordinary and good faith interpretation of the request as a grounds for refusal’, and*
- 2) *CRC ‘has also not complied with timeframes and has conducted a consultation process out with the procedures under FOIA, in not citing any qualified exemption for doing so.*

As noted in the papers, The ICO Guidance sets out the role of the qualifying person and the treatment of the request for internal review.

The Board accepted its role as the qualified person to take a decision on this Freedom of Information Request. The Board received and reviewed the background and legal guidance when discussing this request.

A response to the request is required on or by the 27th of August 2021.

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Decision

The Board worked through the decision making process as set out in the 'Appendix B: The Record of the Qualified Person's Opinion' and 'Appendix C: The Public Interest Test'.

The Board decided that the information is exempt under Section 36 because releasing the report would inhibit the free and frank provision of advice and/or the free and frank exchange of views for the purpose of deliberation and/or would otherwise prejudice (or be likely to prejudice, the effective conduct of public affairs. To release would inhibit the free and frank provision of advice from the report authors and the consultees. To release the report would inhibit the free and frank exchange of views for the purpose of deliberation.

Having considered the public interest, the Board decision is to withhold the information. This is because

- i. That the report authors noted the reticence of so many participants to speak on the record;
- ii. Contributors to the report found it difficult to speak with candour;
- iii. The contentious and political nature of the report and its subject matter;
- iv. At the time of the reports development there was no intention to publish the report which allow contributors to speak with candour;
- v. The underlying issues related to bonfires continue to be relevant
- vi. The Report is not final

Furthermore, in consulting with stakeholders CRC also noted that the report may continue to be used the formulation of government policy. Therefore, CRC cannot be certain that releasing the report would not prejudice the effective conduct of public affairs.

The Board also decided that the information is exempt under Section 40 because the information contains a significant amount of what constitutes personal data, as defined in the Data Protection Act 1998 (DPA) and disclosing it would breach the fair processing principle set out in the DPA.

The Board asked Mr McKeown to confirm with CRC's legal adviser that the process was carried out in accordance with the Freedom Of Information Act and Information Commissioners Office Guidance.

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Close of Meeting

The Board and CEO thanked Mr G McKeown for his work on this review.