

- NEW COLLEGE CORPORATION -

CORPORATION POLICY AND PROCEDURES ON CONFIDENTIALITY

This paper summarises the Corporation's agreed policy and procedures for dealing with confidential items at Corporation or Committee meetings,

1. The Corporation or its Committees will go into confidential or closed session when required to by its Instrument and Articles of Government or by resolution using the following criteria in determining whether a matter should be treated as confidential where not so required by the Instrument and Articles of Government :
 - i. personal information relating to an individual;
 - ii. Information provided in confidence by a third party who has not authorised its disclosure;
 - iii. financial or other information relating to procurement decisions, during the course of those negotiations;
 - iv. information relating to employee relation matters during the course of negotiations;
 - v. information relating to the financial position of the college where the Corporation is satisfied in good faith that disclosure might harm the college;
 - vi. legal advice received from or instructions given to college legal advisors;
 - vii. information planned for publication in advance of the publication; and/or
 - viii. commercially sensitive material or information.
2. The Corporation will conduct an annual review of all matters dealt with by the Corporation or its Committees in confidential session, in doing so it will conduct a 'public interest' test and a 'time test.
3. The relationship between the Freedom of Information Act 2000, the Data Protection Act 1998, and the college's statutory Instrument and Articles of Government is a somewhat complex one. Essentially the Freedom of Information Act provides an extensive right to all types of recorded information held by public authorities such as New College Corporation. Apart from refusal on the grounds of vexatious requests or cost, refusal to comply with a request for information must be based on observance of the Data Protection Act in relation to personal data, an exemption from the Freedom of Information Act provisions or the requirements of the Instrument and Articles of Government.
4. Exemption from the provisions of the Freedom of Information Act are either 'absolute' or 'qualified', with qualified exemptions being subject to a public interest test. For 'qualified' exemptions this means that even where an exemption applies, consideration must be given as to

whether in the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing it. However, the college's Instrument and Articles of Government requires that the public interest test must be applied to all items designated confidential by the Corporation other than those required to be confidential by the same Instrument and Articles of Government (that is items containing information on named staff, students and the Clerk). In addition to the public interest test, the Corporation is also obliged to consider whether the reason for dealing with the matter as confidential no longer applies (the 'time test').

5. Where such matters are not required to remain confidential by dint of legislation or statutory instrument, and the Corporation determines that the matter shall no longer be treated as confidential, appropriate reports and minutes of proceedings will be transferred from the confidential minute book to the open minute book.