

# POLICY ON TREATMENT OF WRITTEN EVIDENCE BY SCRUTINY PANELS



This information lets you know how Scrutiny Panels of the Plymouth City Council will deal with any information sent in response to calls for evidence and any subsequent correspondence.

Most people who submit evidence want it to be put in the public domain and the scrutiny panels of Plymouth City Council are committed to being open in their dealings in accordance with the council's corporate values.

Our normal practice is to publish all relevant evidence that is sent to us on our website and we may also include it in the hard copy of any report. Therefore, if you wish your evidence to be treated as confidential, or for your evidence to be published anonymously, please contact us via [scrutiny@plymouth.gov.uk](mailto:scrutiny@plymouth.gov.uk) or by contacting the Democratic Support Officer before you submit your evidence.

You should be aware that it is for the relevant Chairperson to decide whether the evidence can be accepted on the basis that it will be seen in full by the panel but will not be published, or will be published in edited form or anonymously. See section on "Freedom of Information Act 2000" below.

There are a few situations where we do not publish all the evidence sent to us. This may be for practical reasons: for example, where the number of submissions we receive does not make this possible or where we receive a large number of submissions in very similar terms. In that case, we would normally publish only a list of the names of people who have submitted evidence.

In addition, there may be a few situations where we may not choose to publish your evidence or have to redact it before publication for legal reasons the scrutiny panels remain subject to the Access to Information Rules in Section F of [Plymouth City Council's Constitution](#).

## Data Protection Act 1998

The Council must comply with the Data Protection Act 1998 and all councillors are registered as information controllers. This affects what information about living people (personal data and sensitive personal data) we can make public.

- Your evidence may contain personal data or sensitive personal data relating to you and in line with our normal practice, we will usually publish it, if relevant to the panel / review.
- We will not, however, publish your signature or personal contact information arising in your private life (for example, your home telephone number or home address).
- We may also have to edit/ remove information which can identify another living person who has not specifically given their consent to have information about them made public. In these situations, committee members will have access to the full text of your evidence, even if it has not been published in full.

If you consider that evidence that you plan to submit may raise any other issues concerning the Data Protection Act, please contact the clerk before you submit your evidence.

### **Potentially defamatory material**

Typically, the Council will not publish defamatory statements or material. If we think your submission contains potentially defamatory material, usually, we will return it to you with an invitation to substantiate the comments or remove them. In these circumstances if the evidence is returned to us and it still contains material which we consider may be defamatory, it may not be considered by the relevant committee and it may have to be destroyed.

### **Freedom of Information Act 2000**

The Council is covered by the Freedom of Information Act 2000. This also affects the way that we deal with your evidence. As stated above, if you wish your evidence to be treated as confidential, or for your evidence to be published anonymously, please contact the Clerk to the Committee, before you submit your evidence.

In particular you should be aware that if we receive a request for information under the Freedom of Information Act 2000, we may be required legally to release the information to the person who has made the request – even where the relevant committee has agreed to treat all or part of the information in confidence or publish it anonymously.

So, in the circumstances outlined above, while we can assure you that your document / name will not be circulated to the general public in the context of the relevant committee's current work, we are unable to give you a guarantee that the full document will never be released.