

FOI 2847

22nd January 2025

FREEDOM OF INFORMATION ACT 2000 – INFORMATION REQUEST

I was wondering if the Trust publishes the minutes of it's social care governance committee and if so could I have a copy of the latest agenda and minutes and terms of reference for the committee. If these are already published online could you kindly direct me to the link as I couldn't find them.

Response:

I can confirm that the Trust operates a Governance Committee which includes Social Care governance in its terms of reference and is a sub-committee of the Trust Board which meets quarterly. Please find attached the following:

- Governance Committee Terms of Reference (approved 25th January 2024)
- Governance Committee Open Agenda 16th May 2024
- A link to published minutes of the Governance Committee Open agenda dated 16th May 2025 as part of Public Trust Board papers (Pages 385 – 407). Governance Committee minutes are published on a rolling basis via Trust Board.
<https://southerntrust.hscni.net/download/945/september-2024/19138/trust-board-meeting-pack-26-09-24.pdf>

The Trust Governance Committee operates both an 'Open' and 'Confidential' agenda. Having fully considered your request I believe the minutes and agenda of the 'Confidential' agenda is exempt from disclosure under section 36 (2) (b) (i) and (ii) of the FOI Act as disclosure of this information would be likely to prejudice the conduct of public affairs. In addition, this information would also be exempt under section 40 (2) as it contains third party information, disclosure of which would contravene the data protection principles under the UK GDPR and the Data Protection Act 2018.

Reasons for Exemption: Section 36 (2) (b) (i) and (ii)

Under Section 36 (2) (b):

- Subsection (i): Disclosure of the information would, or would be likely to, inhibit the free and frank provision of advice.
- Subsection (ii): Disclosure would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation.

The application of this exemption is subject to a public interest test, as outlined below.

Considerations in favour withholding the information:

- **Preservation of Effective Decision Making:** Releasing this information from the confidential agenda would likely inhibit discussions, limit the willingness of participants to provide honest advice, and harm the deliberative process. This in turn would impair the quality of decision making.
- **Chilling Effect:** Individuals may also refrain from expressing candid opinions on important matters, which could weaken the robustness of future deliberations.
- **Harm to Public Affairs:** Disclosure of sensitive information could lead to misrepresentation, negatively affecting public trust and operational efficiency.
- **Safe Space:** It is important that public authorities operate a safe space in which sensitive and confidential information can be discussed.

Considerations in favour of disclosing the information:

- **Transparency:** There is a general public interest in transparency and accountability to allow the public to understand how decisions are made.
- **Public Confidence:** Disclosure may enhance the public confidence in the governance and decision-making process of the Trust.
- **Public Participation:** Providing access to information can encourage informed public participation in governance.

Conclusion of the Public Interest Test

While I acknowledge the importance of transparency and accountability, the public interest in maintaining the confidentiality of the deliberative process outweighs the interest in disclosure of the confidential sections agenda and any associated minutes.

In the interests of openness and transparency I have provided any relevant information that I consider to be disclosable under the FOIA at this time in response to your request.

Reasons for Exemption: Section 40 (2)

Section 40 (2) applies to information that constitutes personal data of individuals other than the requester, where its disclosure would breach any of the data protection principles. In this case:

- Although individuals are not explicitly named, the information discussed relates to specific cases, and it is reasonable to conclude that individuals could be identified by piecing together contextual information.
- Disclosure of such information would breach the first data protection principle, which requires the fair and lawful processing of personal data.

If you are dissatisfied with this response you may contact us using one of the below contact methods outlined in the footnote and quote the above reference number. Alternatively, you may request an independent internal review of our handling of your request by submitting a complaint within two months. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the

response. Thereafter, should you not be satisfied with the outcome you may apply directly to the Information Commissioner who can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Email: Foi.Team@Southerntrust.hscni.net