

## **Draft for a generic reply to parish cllrs wanting their details redacting**

Thank you for your email outlining your concerns with your Register of Interests being published on our website. However, the reasons for this are given below:

### **Register of Interests Form:**

On taking up Office, Councillors/Parish Councillors, are required to complete a register of disclosable pecuniary interests. This is a legal requirement and legislation sets out what must be on that form as a minimum; this does include home addresses and all properties/land the councillor owns or rents in the parish including the property they reside in, as well as their "trade/occupation".

### **GDPR:**

Councillors may be concerned that this is a breach of GDPR but as there is legal requirement to both provide and publish the data no permission is needed, as such this process is exempt for GDPR. Taking Office is the consent, as once in office the requirements of the Localism Act apply.

### **Legislation:**

Legislation sets out that the Monitoring Officer must make this information publicly available and West Lindsey fulfils this requirement by using the website. Discussions are ongoing at a National Level but until such time as the law changes, it is a requirement for this information to be published unless the sensitive test is reached and approved by the Monitoring Officer.

### **Sensitive Information:**

Parish Councillors, may write to the Monitoring Officer setting out their case as to why their information should be removed, but I must again stress to be fully compliant with the law as it currently stands, there are limited circumstances. In some authorities Monitoring Officers have taken a view, in the absence of waiting legislation, that all addresses will be treated as sensitive, a "blanket policy". WLDC does not currently operate a blanket policy.

A Councillor's register of interest may only be withheld from the public, if the interest is deemed sensitive and may lead to threats of violence, comprise security, examples being working for the prison service, working for intelligence services, being on a witness protection scheme. It is the Monitoring Officer who determines if it is sensitive.

We do regularly write to Parish Clerks to ensure their Members are aware of this, and to advise they must contact the Monitoring Officer if they have genuine concerns around safety arising from publication of the information so that exemptions can be granted.

### **Useful links and information:**

Attached is a legal briefing note on this matter that you may find useful. Sections 21 – 24 outline the register of interest requirements and the legislation which deals with this.

A useful link to Government publications on Openness and Transparency on Personal Interest Guidance for Councillors is :

<https://www.gov.uk/government/publications/openness-and-transparency-on-personal-interests-guidance-for-councillors>

This link can also be found on our website – on “Becoming a Councillor” page: <https://www.west-lindsey.gov.uk/my-council/my-councillors/becoming-a-councillor/>

Having now had further information as to how and why this data is published, you may wish to consider whether you feel an approach should be made to the Monitoring Officer for an exemption to be applied, should you feel you meet the criteria in accordance with the requirements of the legislation.

We hope that this information clarifies matters for you.