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Redaction Policy

Accessibility Information

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1. Statement

- 1.1 We are committed to being open and transparent about how we work, how our decisions are made and the services we provide and to fulfilling the requirements of the Freedom of Information Act 2000, Environmental Information Regulations 2004 and the Local Government Transparency Code 2015. However, where information is exempt from disclosure for data protection reasons or because we are subject to a duty of confidentiality, it will be redacted accordingly prior to publishing or disclosure.
- 1.2 We will seek to balance our obligations to consult and operate in a democratic and accountable way with our data protection and confidentiality obligations.
- 1.3 We will seek to use appropriate technical and organisational measures wherever possible, to protect personal and confidential information against unauthorised disclosure. In the event of a breach of this policy involving personal information, we will follow our Personal Data Breach Policy.

2. Purpose

- 2.1 The purpose of this policy is to provide clear guidance on our approach to redaction and a consistent, standardised approach across our organisation. This policy will assist our staff in protecting personal and confidential information where appropriate. It will assist members of the public and external organisations in understanding our redaction practices.

3. Scope

- 3.1 This policy applies to all:
 - information published on the Council's website or elsewhere and otherwise disclosed;
 - Eden District Council staff with responsibility for publishing and disclosing information and documents on behalf of the Council;
 - formats, including hard copy and electronic information and documents;
 - personal data processed by the Council relating to an identified or identifiable living individual; and
 - information subject to a duty of confidentiality.

4. Roles and Responsibilities

- 4.1 All staff responsible for publishing and disclosing information and documents should receive sufficient training and guidance to ensure they are aware of the types and categories of information and circumstances that require redaction. All relevant staff should also be trained on procedures and techniques for undertaking redaction, to prevent the accidental release of exempted information.
- 4.2 IT Services will provide appropriate systems, software and guidance to any member of staff with responsibility for carrying out redaction. However it is the responsibility of the relevant Deputy or Assistant Directors to ensure this is performed to the required level.
- 4.3 The Information Governance Manager will provide advice and guidance to staff and will take a leading role in reviewing and updating relevant policies and procedures.

5. What is Redaction?

5.1 Redaction is the term used to describe the editing process whereby information is removed from a document. This is done by blocking out individual words, a signature, sentence, paragraph or section, prior to the disclosure of information or a document.

6. Legal and Regulatory Requirements

6.1 We will seek to comply with all relevant legislative and regulatory requirements in relation to the publishing, disclosure and also the withholding of information, where appropriate.

6.2 The main pieces of legislation that exempt certain information from disclosure (requiring redaction to be carried out) are listed below. This list is not exhaustive and other legislation may apply.

- Common Law Duty of Confidentiality;
- Data Protection Act 2018 (DPA);
- Environmental Information Regulations 2004 (EIR);
- Freedom of Information Act 2000 (FOIA); and
- General Data Protection Regulation (GDPR).

6.3 Under GDPR, the processing of personal data requires a lawful basis under Article 6. In the case of special category data and criminal offence data, an additional condition is required under Article 9.

6.4 Under FOIA and EIR, we are required to supply information to anyone that requests it, unless an exemption applies. Even then, we may have to carry out a public interest test, to consider whether the public interest lies in providing the information or in maintaining the exemption.

6.5 An entire document may only be withheld under FOIA and EIR if all the information is either exempt from disclosure, or redaction renders a document meaningless.

6.6 There are circumstances under which a duty of confidentiality is imposed on the Council by the common law of confidence, contractual obligation, or statute.

7. Identifying Information for Redaction

7.1 The personal data of living individuals, including all members of the public is protected under data protection legislation and should be withheld or redacted, except in certain circumstances.

7.2 Wherever we have a duty of confidentiality, that information should be withheld or redacted, except in certain circumstances. It is possible such information will be withheld rather than redacted, in which case a public interest test may be undertaken and refusal notice issued.

7.3 The Redaction Criteria in Section 10 of this policy provides details of the types and categories of information that should be redacted and the relevant circumstances and also the exceptions to redaction (when redaction is not required). Staff should refer to this table prior to redacting, publishing or otherwise disclosing information or documents.

7.4 We will use our discretion to redact any comments or information we consider to be derogatory or offensive. However, the publishing of any such comments or views contained in documents such as planning application representations, does not mean that we agree with or endorse those views.

8. Exceptions to Redaction

8.1 There are exceptions which permit personal data to be made available to the public, under Schedule 2, paragraph 5 of the Data Protection Act 2018, where disclosure of the data is required by an enactment. Significantly for the Council (as a planning authority), these exceptions include the names and addresses of planning applicants, as required under 69 register of the Town and Country Planning Act 1990.

8.2 In addition, the following personal information is not required to be redacted, on the basis that it relates to senior officers, acting in their capacity of granting official or legal permissions:

- Names, signatures and contact details of senior managers of Eden District Council (Deputy and Assistant Director and above) or other authorised signatories acting in their official capacity on behalf of the Council; and
- Names, signatures and contact details of senior third party representatives (where it is clear they occupy a senior position), acting in their official capacity on behalf of their organisations.

8.3 There may be instances where third parties request that we publish personal information, in order to promote an initiative, for example; individuals representing an allotment association. In which case, we will obtain and record an individual's written consent prior to publishing. The individual may withdraw their consent at any time, in which case their personal information will be removed immediately from the website.

8.4 There shall be a presumption that all information and documents provided by the Council to the Local Government Ombudsman and Social Care Ombudsman for the purpose of an investigation of a referred complaint will be provided in an unredacted form.

9. Undertaking Redaction

9.1 Redaction must never be undertaken on an original document. Redaction must be undertaken on a copy (including copies created using appropriate software), to ensure the integrity of the original information. Original copies will be retained (either in hard copy or scanned), for the appropriate retention period, as set out in the Retention Schedule.

9.2 Appropriate methods of redaction must be used. These methods may vary across the Council, to suit the needs and resources of the services concerned. However, whichever method is employed, the end result must ensure that the redacted information cannot be seen or guessed due to incomplete redaction. This means checking to make certain that redacted text cannot be made out when the document is held up to the light, or that the ends, top or bottom of the text or signature are not visible.

9.3 Redaction software must be used correctly, to ensure all redactions are irreversible prior to publishing or disclosure. If the software is incorrectly used, the redacted information may be recoverable by those able to access it, which can result in its

accidental release into the public domain. For this reason, an approval process should be considered for adoption in each team where redaction takes place, whereby redacted documents are checked by another person or by a manager, prior to publishing or disclosure.

- 9.4 Although redaction methods may vary, black highlighting should be used for redaction on white and pale backgrounds, so that it is clear to anybody accessing a document where redaction has taken place. White redaction is often harder to detect and may cause some confusion and should therefore be avoided.
- 9.5 Exempted information in an original (editable electronic) document should not be deleted, as this can change the structure and layout of the original information in the publicly released PDF version.
- 9.6 A whole sentence or paragraph should not be removed if only one or two words are non-disclosable, unless release would place the missing words in context and make their content or meaning clear or clearly identify an individual.
- 9.7 If so much information contained in a document requires redacting so that it becomes nonsensical, the entire document should be withheld.
- 9.8 It is important that redactions made to documents are both consistent and logical, so that if a word is redacted in one part of a document for one reason, if that reason could apply to other text, redactions are also made to that text on the basis of the same reasoning.
- 9.9 Information supplied by Eden District Council staff to the FOI team in response to an FOI, EIR or Right of Access request should be provided unredacted. The FOI team will determine which information should be redacted and will perform any necessary redaction prior to disclosure.

10. Redaction Criteria

10.1 We will seek to apply the following redaction criteria across our organisation, to protect personal and confidential information against unauthorised disclosure and to disclose relevant information appropriately and lawfully. It should be noted that under FOIA and EIR, some of the information categories below may be subject to an exemption and public interest test.

Information type	Details/examples	Reason for redaction	Exceptions to redaction (redaction not required)
Bank account details	Of individuals.	Personal information.	<ul style="list-style-type: none"> Data subject exercising their Right of Access over their own data.
Bank account details	Of businesses/ organisations.	Confidential information.	
Commercial information	Details of contractual arrangements with external providers.	Confidential information.	
Criminal offence data	Any information in connection with an offence.	Personal information.	<ul style="list-style-type: none"> Data subject exercising their Right of Access over their own data.
Date of birth	Including day, month or year or any combination of these.	Personal information.	<ul style="list-style-type: none"> Data subject exercising their Right of Access over their own data.
Home address	All lines of an individual's home address, including postcode.	Personal information.	<ul style="list-style-type: none"> Home addresses of planning applicants. Data subject exercising their Right of Access over their own data.
Legal communications	Information relating to legal proceedings.	Confidential information.	

Information type	Details/examples	Reason for redaction	Exceptions to redaction (redaction not required)
Name	Including all first, middle and last names and also nicknames.	Personal information.	<ul style="list-style-type: none"> • Names of planning applicants. • Licensees on Licensing registers. • Data subject exercising their Right of Access over their own data. • Senior Eden District Council staff (Deputy and Assistant Directors and above) and other authorised signatories of the Council. • Senior third party representatives, acting in an official capacity on behalf of their organisations. • Names of junior officers in published minutes which are in public domain through attendance at a public meeting.
Personal email addresses	Also any part of a business email address that includes an individual's name.	Personal information.	<ul style="list-style-type: none"> • Data subject exercising their Right of Access over their own data. • Senior Eden District Council staff (Deputy and Assistant Directors and above) and other authorised signatories of the Council. • Senior third party representatives, acting in an official capacity on behalf of their organisations.

Information type	Details/examples	Reason for redaction	Exceptions to redaction (redaction not required)
Personal telephone numbers	Including landline and mobile numbers.	Personal information.	<ul style="list-style-type: none"> • Data subject exercising their Right of Access over their own data.
Pronouns	In relation to redacted names (her/his, he/she).	Personal information (to ensure redacted text is not deducible from surrounding text).	<ul style="list-style-type: none"> • Relating to senior Eden District Council staff (Deputy and Assistant Directors and above) and other authorised signatories of the Council. • Relating to senior third party representatives, acting in an official capacity on behalf of their organisations.
Protected species and their sites or locations	Information or data from Environmental Impact Assessments (EIAs) or similar documents submitted in support of a planning application etc.	Protected species information.	<ul style="list-style-type: none"> • Planning inspection.
Sensitive personal information (special categories)	Any information revealing an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning a person's sex life or sexual orientation.	Personal information.	<ul style="list-style-type: none"> • Data subject exercising their Right of Access over their own data.

Information type	Details/examples	Reason for redaction	Exceptions to redaction (redaction not required)
Signatures	Hand written and electronic.	Personal information.	<ul style="list-style-type: none"> • Data subject exercising their Right of Access over their own data. • Senior Eden District Council staff (Deputy and Assistant Directors and above) and other authorised signatories of the Council. • Senior third party representatives, acting in an official capacity on behalf of their organisations.
Title	Ms/Mrs/Miss/Mr/Master/Dr.	Personal information (to ensure redacted text is not deducible from surrounding text).	<ul style="list-style-type: none"> • Relating to senior Eden District Council staff (Deputy and Assistant Directors and above) and other authorised signatories of the Council. • Relating to senior third party representatives, acting in an official capacity on behalf of their organisations.

11. Compliance

- 11.1 All staff responsible for publishing and disclosing information and documents must comply with this Redaction Policy.
- 11.2 Failure to comply with this Redaction Policy may result in financial loss or reputational harm to individuals, businesses, organisations and the Council.

12. Review

- 12.1 This Redaction Policy will be reviewed in April 2020 by the Information Governance Manager, Data Protection Officer and the SIRO and updated as required and annually thereafter.