

By email

Our Ref: R00011

11 October 2007

Further to Paul Lovejoy's letter of 14th September and in response to your email to Steve Heaton of 17th September, I have now had an opportunity to consider the issues you have raised and I set out my response below.

I have considered your request for a copy of the annual report of our Audit Committee, which was made to our Board in July 2007. In our view, this report is caught by the exemption contained in Section 36 of the Freedom of Information Act 2000 (the Act) on the basis that disclosure under the Act would be likely to inhibit the free and frank exchange of views for the purposes of deliberation and would be likely otherwise to prejudice the effective conduct of public affairs.

We have accordingly considered the public interest test in order to determine whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Arguments in Favour of Disclosure

The arguments in favour of disclosure are the need for accountability, transparency and openness necessary to provide confidence in the value for money and other internal arrangements of a Regional Development Agency's activities.

Arguments in favour of maintaining the exemption

The arguments against relate to the importance of an organisation being able, without hindrance, to apply robust standards to its own activities and engage senior management in the frank and open identification of issues and the implementation of any necessary solutions.

Final Decision

The advice I have obtained suggests that it is likely to be premature to release audit reports until sufficient time has passed to allow any issues raised to be rectified and the solutions to be properly tested. That advice clearly concludes that the greater public interest is served not by premature release of data but by protecting the integrity of, and confidence in, the internal robustness of the audit process, which is of course subject to full scrutiny by the National Audit Office. Representatives of the National Audit Office do attend each meeting of SEEDA's Audit Committee, which is also attended by the Government Office for the South East.

On balance I am therefore led to conclude that the public interest is best served by a full, frank and effective audit process which enables us to identify and analyse the organisation's various systems and activities with full internal cooperation and openness and that the premature release of this document would be likely to prejudice that process.

However, as a result of your inquiry I am considering whether in future this annual report to the Board of our audit activities should be prepared in such a way as to provide a record of the scope and purpose of SEEDA's audit processes which can be made publicly accessible along with other Board papers. I shall be putting this proposal to the next meeting of our Audit Committee. In the meantime Andrew Hillier, SEEDA's new Communications Director, has undertaken to discuss with you the areas covered by the document you have requested. Andrew tells me you have already made arrangements to meet later this month.

I trust you can appreciate the reasoning behind my decision. We at SEEDA are always looking at ways to improve our processes and add openness to what we do. Your request has brought to our attention one particular area we will wish to look at more closely and I must thank you for your interest and scrutiny.