

04 June 2007

Neil Nisbet
Article 19
news@article19.co.uk

Dear Neil

Your request for information under the Freedom of Information Act – reference number: FOI 0165

I refer to your email dated 27 April when you requested copies of “evaluation reports” of specified national dance agencies. As we do not hold any documents called “evaluation reports”, we then clarified in our conversation of 09 May that you were interested in the latest yearly assessment reports (against criteria) of those dance agencies.

We have decided to withhold fully the documents you requested, as we consider this information to be exempt under the following sections of the Freedom of Information Act 2000:

Section 36 FOIA

Our Chief Executive, a “qualified person” under FOIA, considers that release of these documents would, or would be likely to:

Inhibit the free and frank provision of advice;

Inhibit the free and frank exchange of views for the purposes of deliberation;

Prejudice the effective conduct of public affairs

Yearly assessments are a free and frank account of the thoughts and concerns of lead officers about regularly funded organisations and any related issues. Arts Council officers write these reports by taking into consideration meetings, discussions, and various governance and financial papers submitted by funded organisations throughout the year.

It is very important that within the funding process, the Arts Council and the funded body must be free to communicate, analyse and sometimes discuss business plans.

Release of these documents would, or would be likely to, prevent us from receiving governance and financial papers from our funded organisations in the future. It also would, or would be likely to, prevent those listed dance agencies

from engaging into open and frank discussions with their lead officers. Both of these factors would therefore, or would be likely to, prevent us from effectively carrying out assessment and monitoring of our funding to those organisations.

Furthermore, no decisions about funding beyond 31 March 2008 have yet been taken and they will not be made until after we receive notification of our final settlement from government, which we expect in the autumn. Release of yearly assessments at this stage would, or would be likely to, inhibit the free and frank exchange of views due to take place once the settlement is announced.

Having considered a number of public interest issues, it is considered that the documentation you are requesting should be withheld. We took the following factors into account:

There is a public interest in full transparency of public authorities

There is a public interest in maintaining good relations with our funded organisations, so that they feel confident to provide us with the governance and financial information that we need to ensure that our funding is properly applied

There is a public interest in ensuring that funded organisations do not censor the information they give to us. Our ability to assess and monitor funded organisations effectively is integral to our very public role in the arts sector and we are ultimately accountable for the money we give to funded organisations

There is a public interest in us receiving governance and financial documentation, to allow us to continue assessing and monitoring effectively our funded organisations

There is a public interest in ensuring that regularly funded organisations to engage with us in those open and frank discussions that do inform our yearly assessment reports. This is essential in ensuring that those funded organisations have the best chance to succeed

Section 43 FOIA

Disclosure of some of this documentation would prejudice or would be likely to prejudice commercial interests of any person. The disclosure of documentation with references to development and financial information may impact adversely on the commercial success of those dance agencies. It is not considered in the public interest for this information to be disclosed to you. In assessing the public interest we took into account the following factors:

There is a public interest in full transparency of public authorities

There is a public interest in protecting the degree of confidentiality of the free and frank discussions that took place throughout the year between lead officers

and funded organisations

There is a public interest in continuing a good working relationship with these funded organisations

There is a public interest in us receiving governance and financial documentation, to allow us to continue assessing and monitoring effectively our funded organisations

Please be aware that our decision to withhold this documentation at this time does not preclude us from releasing this and other similar documentation in the future and each request for information will be considered on a case-by-case basis.

If you are not happy with the way we handled your request for information, you can use our complaints procedure or complain to the Information Commissioner.

I have included *Making a complaint* with this letter, which contains information on how to make a complaint to us and also how to complain to the Information Commissioner.

Although we are not able to provide the information you requested in this instance, Arts Council England remains committed to the principles of the Freedom of Information Act 2000. We will assist you with any future request where possible.

Yours sincerely,

Monica

Monica Argenton
Freedom of Information Coordinator
Phone: 020 7973 6488
Email: monica.argenton@artscouncil.org.uk

