

Case study



www.itspublicknowledge.info

Whistleblower uses FOI rights to gain access to council audit report

In November 2007 Mr John Cannon asked Glasgow City Council for a copy of an audit report relating to the Council's decision to employ agency staff in its Social Work Services Hostels section, rather than offering overtime to current employees. Mr Cannon was concerned about financial accountability within the Council, in relation to the decision to employ agency staff. Under the Council's whistleblowing policy, he reported his concerns to the Council's auditors.

When Mr Cannon did not receive the report he decided to use FOI to request it, but the Council withheld the documents under a variety of exemptions, so Mr Cannon applied to the Scottish Information Commissioner for a decision.

The Council claimed that disclosure would 'prejudice substantially' both its commercial interests, and the commercial interests of the agencies providing staff – especially if financial information were disclosed to a commercial rival. However, the Commissioner found that there was very little financial information which could be useful to a competitor in the majority of documents withheld. While he accepted some information was commercially sensitive and so had been correctly withheld, he ordered that most of the information be disclosed.

The Council had also sought to withhold personal data – in particular names of agency staff and Council employees that were mentioned in general terms in the audit report, and the names of those specifically involved in Mr Cannon's whistleblowing complaints. The Commissioner found that it would be unfair to disclose the personal data of the former group but that there were reasons why disclosure of the names relating to the whistleblowing complaint should be released e.g. to improve understanding of the process used in the audit investigation, and show the extent of the enquiries undertaken. This would also demonstrate whether Mr Cannon's concerns had been treated seriously.

The Commissioner ordered the Council to disclose some of the information to Mr Cannon, but supported the withholding of some commercially sensitive and personal information. Mr Cannon was happy with the Commissioner's decision and stated that without FOI he would not be able to access any of the information he had sought.

Download full decision here:

Decision 006/2009 Mr John Cannon and Glasgow City Council

<http://www.itspublicknowledge.info/applicationsanddecisions/Decisions/2009/200800353.asp>

For more information contact the Policy & Information team on 01334 464610.