

Confidential Items

Section 90 of the Local Government Act 1999 outlines the provisions for when a Council or Committee may order that the public be excluded from attendance at a Meeting for the purposes of receiving, discussing or considering in confidence, information relevant to Section 90(3) of the Act.

The Council or Committee may also order that some or all of the documents associated with the item also be kept confidential. In the event that this occurs, the Council or Committee must also specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed.

In accordance with Section 91(9) of the Local Government Act 1999, an order that operates for a period exceeding 12 months must be reviewed at least once in every year.

Reasons for making a Confidential Order under Section 90(3)

a	Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
b	Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council and would on balance be contrary to the public interest
c	Information the disclosure of which would reveal of trade secret
d	Commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would on balance be contrary to the public interest.
e	Matters affecting the security of the Council, Members or Employees of the Council, or Council property, or the safety of any person
f	Information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial.
g	Matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.
h	Legal Advice
i	Information relating to actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council.
j	Information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council) and would on balance be contrary to the public interest.
k	Tenders for the supply of goods, the provision of services or the carrying out of works.
m	Information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the <i>Planning, Development and Infrastructure Act 2016</i> before the draft instrument or amendment is released for public consultation under that Act.
n	Information relevant to the review of a determination of a Council under the <i>Freedom of Information Act 1991</i> .
o	Information relevant to a proposed award recipient before the presentation of the award.