



28/04/2020

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Freedom of Information Request: 522019

Thank you for contacting CITB requesting information under the Freedom of Information Act (FOIA). Your email, dated 27 March 2020, asked for the following information:

1. Please supply all board meeting minutes and correspondence relating to the suspension of industry levy collection.
2. Please supply all correspondence with government departments relating to your support for the construction industry during the coronavirus crisis.

We respond as follows:

1. Board meeting minutes and correspondence:
 - a. The Board Meeting minutes are currently in draft form and have not yet been formally adopted or approved. Therefore, these minutes are subject to Section 22 of the FOIA. CITB has considered whether the public interest in maintaining the exemption under section 22 outweighs the public interest in disclosing the information. In that the minutes have not been formally adopted, CITB considers that, in accordance with s.22(1)(c), it is reasonable in all the circumstances that the information should be withheld from disclosure until the minutes are published in the ordinary way. CITB will consider further whether any other exemptions in the FOIA apply to the minutes.
 - b. There were two separate supporting papers that were produced and available for the relevant Board Meeting of the 25th March 2020:
 - i. A briefing paper produced by the legal team for the Board's Trustees. This briefing paper is subject to legal professional privilege and is therefore subject to Section 42 of the FOIA. CITB has considered whether the public interest in maintaining the exemption under section 42 outweighs the public interest in disclosing the information. There is a strong public interest in ensuring that public bodies are able to speak freely and frankly with legal advisers in order to obtain appropriate legal advice and we consider that the public interest in maintaining this 'safe space' is even stronger when the advice relates to ongoing, fluid policy discussions. We are not satisfied that there



is a clear, compelling and specific justification for disclosure of the advice sufficient to outweigh this public interest in maintaining the exemption.

- ii. The financial scenarios supporting paper includes information relating to this request and is subject to section 43 of the FOIA. CITB has considered whether the public interest in maintaining the exemption under section 43 outweighs the public interest in disclosing the information. The information contained in the paper contributes to CITB policy formulation and further, its release could harm CITB's commercial interests. CITB considers that it is reasonable in all the circumstances that the information should be withheld from disclosure. CITB will consider further whether any other exemptions in the FOIA apply to this paper.

2. Correspondence with Government Departments including all relevant correspondence for the period 16/03/2020 to 27/03/2020. The start date of 16/03/20 marks the date on which government announced the first formal measures related to the Coronavirus outbreak in the UK. We are considering the information that falls into this category further and a response will follow shortly.

If you are unhappy with this response, or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied, then you may apply for an independent internal review by contacting Adrian Beckingham, Corporate Performance Director, CITB, Sand Martin House, Bittern Way, Peterborough, PB2 8TY or email adrian.beckingham@citb.co.uk.

If you remain unhappy following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Further details of the role and powers of the Information Commissioner can be found on the Commissioners website: <https://ico.org.uk/>

Yours sincerely

Jonathan Francis
Information Risk & Data Governance Manager