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## WOKING BOROUGH COUNCIL MEMBERS' CODE OF CONDUCT

### PROTOCOL FOR MEMBERS' ACCESS TO CONFIDENTIAL INFORMATION OF COUNCIL-OWNED COMPANIES

#### 1. Introduction

- 1.1 The Council has adopted a Members' Code of Conduct that sets out the standards of behaviour expected of Members.
- 1.2 The Council has also adopted "Arrangements for Dealing with Standards Allegations under the Localism Act 2011" ("Arrangements").
- 1.3 This Protocol applies to Members' access to the confidential information of Council-owned companies. Such information includes, but is not limited to, confidential Board papers and confidential information imparted at Board meetings.

#### 2. Confidential Information of Council-Owned Companies

- 2.1 The Members' Code of Conduct imposes obligations on Members in respect of confidential information. In particular, paragraph 2.3 of the Members' Code of Conduct provides:-

*"Do not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably be aware, is of a confidential nature, except where:*

- (i) you have the consent of a person authorised to give it;*
- (ii) you are required by law to do so;*
- (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or*
- (iv) the disclosure is:*
  - (a) reasonable and in the public interest;*
  - (b) made in good faith and in compliance with the reasonable requirements of the Council; and*
  - (c) you have consulted the Monitoring Officer or taken independent legal advice prior to its release."*

- 2.2 The provisions of paragraph 2.3 of the Members' Code of Conduct shall apply to confidential information of Council-owned companies (note: "Council-owned company" shall be substituted for "Council" in paragraph 2.3(iv)(b)).

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## 3. Breach of Protocol

3.1 Paragraph 2.6 of the Members' Code of Conduct states:-

*“Do comply with any Member Protocols that the Council has resolved should be the subject of this paragraph.”*

3.2 The Council has resolved that this Protocol should be subject to paragraph 2.6 of the Members' Code of Conduct.

3.3 Failure to comply with this Protocol could constitute a breach of the Members' Code of Conduct.

Adopted by the Council on 30 July 2020.