

Minutes and Agendas

Sections 35. Section 36 and Regulation 12(4)(e)

Line to take

- Contemporaneous notes taken at meetings, from which minutes are then produced, do not themselves fall within the definition of "minutes."
- An agenda does not have to be in a certain format to qualify as such, however material upon which an agenda might be based does not necessarily constitute an agenda.
- Attachments to agendas are not limited to physical or electronic attachments actually circulated with the agenda, where items are referred to in an agenda they are considered to be "attached by reference".

Further information

In *Berend v the information Commissioner and London Borough of Richmond upon Thames (LBRT)* the Tribunal gave some consideration to the meaning of "minutes" and "agendas".

Minutes

The public authority drew a distinction between the minutes of various meetings that had been prepared and circulated and the contemporaneous notes made by the minute taker at those meetings from which the minutes themselves were to be produced.

It argued that the minutes would be in "a readable format for circulation to members and contain the Task Group's conclusions, action points and certain formalities; the handwritten, contemporaneous notes would contain a semi-continuous record of the points made in the debate and other information the writer felt it was necessary to record at the time."

The IT was satisfied that the contemporaneous notes were not minutes.

Agendas

The public authority argued that an agenda would be headed as such and would include certain formalities such as the consideration of minutes and apologies.

The complainant argued that material upon which an agenda would have been based, such as emails referring to future meetings and circulating documents for comment, fell within the meaning of an agenda. He also argued that reference to topics under discussion made in the contemporaneous meeting notes constituted an agenda.

The IT found that that is no "pre-requisite format for an Agenda wherein certain items must be scheduled for discussion to constitute an Agenda." However, it also found that "whilst there may have been the material upon which an Agenda would have been based, and treated as such by task Group members, the emails or references to topics under discussion on contemporaneous notes were not in fact Agenda and as such did not fall to be disclosed under that heading."

Attachments to agendas

Part of the complainant's request was for "documents attached to agendas". The public authority considered attached to mean items physically affixed by staple or elastic band, or electronically attached by email attachment.

The Tribunal found that in addition to the above, documents already circulated but directly referred to in an agenda item, or documents that were referred to in an agenda item but were to follow are " 'attached by reference' in that the Agenda items requires consideration of the document referred to and it is for administrative convenience that they are not re-duplicated or have not yet been copied."