

Dear Information Officer

I am writing to request information under the **Freedom of Information Act 2000 (FOIA)**. If any of the information requested is properly considered **environmental information**, please treat this as a request under the **Environmental Information Regulations 2004 (EIR)** (or dual-process as you consider appropriate).

1) The meeting / visit

This request concerns the meeting in Folkestone **on or around Tuesday 9 December 2025** involving **Sir Roger De Haan** and a Kent County Council delegation including (as publicly identified) **Cllr Linden Kemkaran (Leader)**, **Cllr Paul King (Cabinet Member for Economic Development and Coastal Regeneration)**, **Cllr Paul Webb (Cabinet Member for Community and Regulatory Services)** and **Cllr John Baker**, together with any accompanying officers and/or support staff, and any linked **site visit / walkabout** in Folkestone (including the Harbour Arm and Creative Quarter).

2) What I am requesting (recorded information)

For the period **1 November 2025 to the date this request is received**, please provide copies of **all recorded information held by KCC** relating to:

A. Purpose, agenda, arrangements

1. Any **agenda**, itinerary, schedule, visit plan, programme, running order, or "lines to take" for the meeting/visit.
2. Any **briefing notes**, speaking notes, prep packs, backgrounders, risk notes, stakeholder notes, or due-diligence summaries prepared for councillors and/or officers.
3. Any **meeting invitation**, calendar entry, diary appointment, room booking, visitor log, or administrative arrangements showing: date, time, location, organiser, and attendee list.

B. Attendance and roles

4. The **final attendee list**, including any KCC officers, advisers, comms staff, security, or external attendees (with personal contact details redacted if necessary).
5. Any documents describing **in what capacity** attendees attended (eg official engagement, courtesy meeting, stakeholder visit, partnership meeting).

C. Notes, minutes, record of discussion

6. Any **minutes**, notes, aide-memoires, written summaries, action notes, follow-up emails confirming "what was agreed", or internal debrief notes.
7. Any **documents provided to KCC** by Sir Roger De Haan or related organisations/representatives (including slide decks, briefing papers, proposals, letters, emails).

D. Follow-up actions and decision trail

8. Any **actions arising list**, tasking emails, requests for information, introductions made, meeting outcomes, or planned next meetings generated by or following the meeting/visit.

9. Any subsequent internal discussion referencing the meeting/visit that relates to KCC policy, funding, partnerships, regeneration, coastal matters, regulatory/community services, or any specific Folkestone projects/sites.

E. Declarations / hospitality / costs

10. Any **gifts and hospitality declarations** (or confirmation that none were made) relating to this meeting/visit by any attendee acting in their KCC capacity.

11. Any **expense claims or cost records** incurred by KCC for the meeting/visit (eg travel, hospitality, venue costs), in summary form if easier.

F. Communications channels

12. All relevant communications (emails, messages, attachments) relating to arranging, conducting, or following up the meeting/visit, including communications held in **non-corporate channels** (eg WhatsApp/SMS/private email) **insofar as they contain official KCC business**.

3) Form of disclosure / practical points

- Please provide the information **electronically** (PDF where possible, or original formats for documents/spreadsheets).
- I am **not** seeking personal contact details (mobile numbers, home addresses, private email addresses). Please **redact** those rather than withholding whole documents.
- If you consider any exemption/exception applies, please provide:
 - a **schedule** of withheld documents/items (what is being withheld, date, type), and
 - the exemption(s) relied upon and a clear explanation, including the **public interest test** where relevant.

4) Duty to advise and assist

If you believe the request risks exceeding the appropriate cost limit, please provide **reasonable advice and assistance** to refine it (for example, by proposing narrower custodians, keywords, or date ranges) rather than refusing outright.

B) Public interest arguments for disclosure (use if KCC withholds under exemptions / for internal review)

You can paste the below into (i) the request, (ii) an internal review request, or (iii) an ICO complaint. It is designed to be **process-focused** and defensible.

1) Starting point: openness and the public interest test

FOIA creates a right of access to recorded information unless an exemption applies; where a **qualified exemption** is engaged, the authority must apply the **public interest test** and disclose unless the public interest in maintaining the exemption outweighs disclosure (and if it's evenly balanced, disclosure follows).

Here, the information requested concerns a meeting involving the **Leader of the Council and Cabinet Members** with a prominent figure connected to local regeneration activity, followed by a tour of sites closely bound up with regeneration. That is a classic context where disclosure promotes:

- transparency of **who is influencing or informing** senior decision-makers,
- accountability for **priorities, partnerships, and use of public resources**, and
- public confidence that decisions are not being shaped "off-stage".

2) "Chilling effect / safe space" claims should be evidenced, not asserted

If KCC relies on exemptions where "inhibition" or "chilling effect" is argued (commonly **s36**, sometimes **s42/s43** arguments by analogy), Tribunal and ICO guidance emphasise that such claims require **specific, real-world evidence and careful reasoning**, and are treated with caution.

Timing also matters: where events have happened and the issue is no longer live in a deliberative sense, "safe space" arguments weaken.

3) Section 36 (effective conduct of public affairs): qualified person, reasonableness, and record-keeping

If KCC relies on **s36**, the ICO expects:

- a **qualified person's reasonable opinion** that the exemption is engaged, and
- good practice is to **keep and be able to evidence** the record of that opinion and the public interest reasoning.

Given the request is for routine governance artefacts (agenda, notes, actions, follow-up), there is a strong public interest in disclosure precisely because it demonstrates **good administration and transparent engagement**.

4) Section 43 (commercial interests): real, causal prejudice and partial disclosure

If KCC relies on **s43**, it must show disclosure **would, or would be likely to, prejudice** commercial interests, not merely that information relates to a commercial actor.

Court of Appeal authority in **Veolia ES Nottinghamshire Ltd v Nottinghamshire CC** is widely cited in FOI practice on the need for properly evidenced prejudice and careful handling of commercial material.

Even where some passages could genuinely prejudice commercial interests, the lawful and proportionate approach is typically **redaction/partial disclosure** (eg release the agenda/topics/actions while redacting genuinely sensitive figures).

5) Section 41 (confidence): “confidential” isn’t enough; actionable breach and public-interest defence

If KCC relies on **s41**, the exemption only applies where disclosure would be an **actionable breach of confidence**. The ICO stresses that simply labelling material “confidential” is not sufficient; the authority must show the elements of the duty of confidence and consider whether a **public interest defence** would defeat an action. For meeting transparency, many items requested (agenda, attendee list, broad topics, actions) are not inherently confidential, and disclosure can be framed at an appropriate level without disclosing any genuinely confidential content.

6) Section 40 (personal data): redact, don’t withhold the substance

If KCC relies on **s40**, the ICO guidance makes clear the authority must apply data protection principles; however, s40 is usually addressed by **redacting personal data** (eg phone numbers, private addresses), not withholding entire documents that contain non-personal governance information.

7) Information held in private channels is still “held” for FOI if it’s official business

If any relevant communications were conducted via WhatsApp/SMS/private email and relate to official KCC business, the ICO’s detailed guidance is clear that such information can still fall within FOIA.

8) Supreme Court-level support for transparency principles

FOI sits within the UK’s constitutional framework of openness and accountability. Supreme Court authority in **Evans v Attorney General [2015] UKSC 21** is frequently cited for the constitutional significance of lawful access to information and the need for strong justification where transparency is resisted.

Kennedy v Charity Commission [2014] UKSC 20 is also a leading Supreme Court authority in the broader access-to-information landscape, emphasising openness and accountability values in public decision-making. [Supreme Court UK+1](#)

More recently, the Supreme Court in **Department for Business and Trade v Information Commissioner [2025] UKSC 27** confirmed that, where multiple qualified exemptions apply, public interest factors may be considered cumulatively—making it even more important that authorities articulate (and requesters scrutinise) the *actual* weight and evidence behind each claimed harm rather than relying on generic assertions.

9) What “good” looks like as a proportionate outcome

Even if KCC considers some material exempt, the public interest strongly supports release of at least:

- purpose of meeting, date/time/location (if not security-sensitive),
- attendees (names/roles),
- agenda headings / topics discussed (high level),
- agreed actions / follow-ups, and
- whether hospitality/expenses/declarations were recorded, with narrow redactions only where strictly necessary.

I look forward to the information within the 20 days allowed.