

Access to Information Procedure Rules

New rule 10.4

10.4 Meaning of exempt information

(1) Exempt information means information falling within the categories in the following table. These categories are subject to the stated conditions:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information):

Save that information is not exempt if it is required to be registered under:

- The Companies Act 1985
- The Friendly Societies Act 1974
- The Friendly Societies Act 1992
- The Industrial and Provident Societies Acts 1965 to 1978
- The Building Societies Act 1986 or
- The Charities Act 1993.

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes -

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

(2) Information is not exempt information if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

(3) Information which –

- (a) falls within any of paragraphs 1 to 7 above; and
- (b) is not prevented from being exempt by virtue of paragraph (2) above,

is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(4) In addition, the following categories of exempt information apply to the proceedings of the Standards Committee or the Town and Parish Councils Standards Committee:

- 7A. Information which is subject to any obligation of confidentiality.
- 7B. Information which relates in any way to matters concerning national security.
- 7C. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2), 64(2), 70(4) or (5) or 71(2) of that Act.