

Exemptions

The following table provides a list of the exemptions listed in Part II of the Freedom of Information Act. Access to Information covered by an absolute exemption (marked as (A)) will be refused. Information covered by a qualified exemption will also be subjected to a public interest test before access can be refused.

FOIA Section	Exemptions to FOI
21	The information is accessible to the applicant by other means. (A) This covers information included in the publication scheme and other information that the Council has to make available to members of the public, whether free of charge or on payment.
22	Information intended for future publication. Information held by the Council with a view to its publication (whether determined or not) that was already held with such a view when the request was made and it is reasonable that the information should not be disclosed sooner.
30	Council investigations and proceedings. Information at any time held in relation to an investigation conducted by the council to ascertain if an individual should be charged with an offence, or lead to the council instituting criminal proceedings.
31	Law enforcement. Information not falling under 30 above but whose disclosure would prejudice for example, prevention or detection of crime, apprehension or prosecution of offenders, the assessment or collection of any tax or duty etc.
32	Court records etc. (A) Information contained in documents placed in the custody of a court, or documents served on or by the council for the purposes of proceedings in a particular matter, or documents created in a court.
33	Audit functions. Information held by the council in relation to the audit of the accounts of other public authorities, or the examination of the economy, efficiency and effectiveness with which other public authorities use their resources, and whose disclosure would prejudice the exercise of any of the authority's functions.
36	Prejudice to effective conduct of public affairs Information held by a Gov't department or the National Assembly of Wales not covered by 35 below, and information held by any other public authority that if disclosed would, or would likely to, prejudice : <ul style="list-style-type: none"> • Collective responsibility of Ministers of the Crown, or the NI and Wales Assemblies • The free and frank provision of advice or views, or • The effective conduct of public affairs.
38	Health and safety. Information whose disclosure would, or would be likely to, endanger the physical or mental health of an individual or endanger the safety of an individual.
39	Environmental information. Environmental Information is exempt from FOIA and should be processed under the Environmental Information Regulations 2004.
40	Personal information. (A) Where a request for information is about personal details for a living individual

	held electronically (or is recorded with the intention that it should be processed by electronic means or is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system) the request is an exemption under the FOIA and will be processed in line with subject access rights under the Data Protection Act 1998.
41	Information provided in confidence. (A) Information obtained from any other person (including another public authority) and the disclosure of the information would constitute a breach of confidence actionable by that person or other person.
42	Legal professional privilege. Information in respect of which there is a claim to legal professional privilege.
43	Commercial interests. Information whose disclosure would prejudice the commercial interests of any person (including the Council).
44	Prohibitions on disclosure. (A) Information whose disclosure is prohibited by or under any enactment, incompatible with any Community obligation or would constitute to be punishable as a contempt of court.
	Exemptions which are unlikely to apply to information held by the Council
23	Information supplied by, or relating to bodies dealing with security matters. (A) Information supplied to the Council by a number of listed bodies, including the Security Services, GCHQ etc. (A certificate signed by a Minister of the Crown would be needed as evidence of its exemption).
24/25	National Security. Information that does not fall to be exempt under 23 above is exempt if required for the purpose of safeguarding national security. (A certificate signed by a Minister of the Crown would be needed as evidence of its exemption).
26	Defence. Information is exempt if its disclosure would, or would be likely to, prejudice the defence of the British Isles or colonies, or the capability, effectiveness or security of the armed forces.
27	International relations. Information likely to prejudice relationships between the UK and any other state or organisation / court, the interests of the UK abroad. Also any information confidentially obtained from an international state or organisation.
28	Relations within the UK. Information likely to prejudice relationships between any UK administration (e.g. UK Gov't, National Assembly for Wales) and any other such administration.
29	The economy. Information likely to prejudice the economic interests of the UK or the financial interests of any administration.
34	Parliamentary privilege. (A) Information that would infringe the privileges of either House of Parliament.
35	Formulation of government policy. Information held by a Gov't department or the National Assembly of Wales re formulation / development of policy, ministerial communications advice by Law Officers or the operation of any Ministerial private office.
37	Communication with the Queen and honours. Communications with the Royal family / household re the conferring by the Crown of any honour or dignity.