

New Schedule 12A

The new Schedule 12A provides that the following are now considered to be categories of exempt information Part 1:-

PART 1

DESCRIPTIONS OF EXEMPT INFORMATION : ENGLAND

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).
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.
Part 2 now provides a public interest test to replace the previous Part 2 criteria

Part 2

QUALIFICATIONS : ENGLAND

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under –

- (a) the Companies Act 1985 (a);
- (b) the Friendly Societies Act 1974 (b);
- (c) the Friendly Societies Act 1992 (c);
- (d) the Industrial and Provident Societies Acts 1965 to 1978 (d);
- (e) the Building Societies Act 1986 (e); or
- (f) the Charities Act 1993 (f).

9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992(a).

10. Information which –

- (a) falls within any of paragraphs 1 to 7 above; and
- (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

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

In relation to the Standards Committee.

The Relevant Authorities (Standards Committee) Amendment Regulations 2006 incorporate the above changes and extend the definition of exempt information in relation to Standards Committee business to include

7A – Information which is subject to any obligation of confidentiality.

7B – 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) or (3), 65(2), 70(4) or (5) or 71(2) of that Act.