

*These notes relate to the Freedom of Information (Scotland)  
Act 2002 (asp 13) which received Royal Assent on 28 May 2002*

# **FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 2 – Exempt information**

##### ***Section 36 – Confidentiality***

103. Essentially section 36(1), to which the public interest test in section 2 applies, provides an equivalent in Scotland for information for which “legal professional privilege” may be claimed in England.
104. Section 36(2) exempts absolutely information obtained from another person if its disclosure would constitute a breach of confidence actionable by that person or any other person.