

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

---

## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 4 – Enforcement**

##### ***Section 52 – Exception from duty to comply with certain notices***

131. This section sets out the conditions under which the First Minister can, after consulting the other Scottish Ministers, sign and give a certificate to the Commissioner stating that the First Minister has, on reasonable grounds and after such consultation, formed the opinion that there has been no failure to comply with section 1(1) and that the information requested is of exceptional sensitivity.
132. Under section 52(1) such a certificate can apply only to a decision or enforcement notice given to the Scottish Administration and where the information in question is exempt by virtue of section 29, 31(1), 32(1)(b), 34, 36(1) or 41(b).
133. The certificate must be issued within 30 working days of the Commissioner's notice being given to the Scottish Administration or, where an appeal is brought on a point of law under section 56, of the day on which the cause is finally determined.