



Freedom of Information (Scotland) Act 2002 2002 asp 13

PART 2

EXEMPT INFORMATION

37 Court records, etc.

- (1) Information is exempt information if it is contained in—
- (a) a document—
 - (i) lodged with, or otherwise placed in the custody of, a court for the purposes of proceedings in a cause or matter;
 - (ii) served on, or by, a Scottish public authority for the purposes of such proceedings; or
 - (iii) created by a court or a member of its administrative staff for the purposes of, or in the course of, such proceedings; or
 - (b) a document—
 - (i) lodged with, or otherwise placed in the custody of, a person conducting an inquiry or arbitration, for the purposes of that inquiry or arbitration; or
 - (ii) created by such a person for such purposes,and a Scottish public authority holds the information solely because it is contained in such a document.
- (2) In this section—
“court” includes a tribunal or body exercising the judicial power of the State; and
“inquiry” means an inquiry or hearing held under a provision contained in, or made under, an enactment.
- (3) This section does not apply to information held by a Scottish public authority for the purposes of an inquiry instituted under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c. 14).