

FREEDOM OF INFORMATION ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part II: Exempt information

Section 31: Law enforcement

114. *Subsection (1)(a) to (f)* exempts information the disclosure of which would, or would be likely to, prejudice certain specified law enforcement matters. *Subsection (1)(g)* exempts information which would, or would be likely to, prejudice the exercise by any public authority of its functions for any of the purposes specified in *subsection (2)*. This subsection essentially protects the conduct of investigations and proceedings which may lead to prosecutions. *Subsection (1)(h)* exempts information which would, or would be likely to, prejudice civil proceedings brought by an authority arising out of investigations conducted for the purposes set out in *subsection (2)*. *Subsection (1)(i)* exempts information which would, or would be likely to, prejudice any inquiry under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 arising out of an investigation conducted for the purpose set out in *subsection (2)*.
115. *Subsection (2)* sets out the purposes referred to in *subsections (1)(g), (h) and (i)*. These include:
- investigations into whether circumstances exist or may arise justifying regulatory action under any enactment;
 - regulatory investigations relating to unfitness or incompetence of company directors;
 - investigation of persons in regulated professions or who carry out activities which require a licence;
 - investigations into accidents;
 - action relating to charity management;
 - action relating to health and safety.
116. *Subsection (3)* provides that the obligation under *section 1(1)(a)* to confirm or deny that the requested information is held does not arise if the information is exempt by virtue of *subsection (1)* and to comply would, or would be likely to, prejudice any of the law enforcement matters referred to in this section.