

FREEDOM OF INFORMATION ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part II: Exempt information

Section 44: Prohibitions on disclosure

153. **Section 44** exempts all information where disclosure:

- is prohibited by or under any enactment;
- is incompatible with any European Community obligation; or
- would constitute or be punishable as a contempt of court.

(**Section 75**, enabling statutory prohibitions to be modified by order, is intended to complement this provision.) This provision confers absolute exemption for the purposes of section 2.

154. **Subsection (2)** provides that the obligation under section 1(1)(a) to confirm or deny that the requested information is held does not arise in relation to information which is exempt by virtue of subsection (1) where compliance would itself (apart from the Act) be prohibited by or under any enactment or is incompatible with any European Community obligation or would constitute or be punishable as a contempt of court.