

FREEDOM OF INFORMATION ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedules

Schedule 3: Powers of entry and inspection

Matters exempt from inspection and seizure

270. *Paragraph 8* exempts from the powers conferred by a warrant information which is exempt from any of the Act's provisions by virtue of sections 23(1) or 24(1) (the exemptions relating to national security).
271. *Paragraph 9(1)* prohibits the exercise of the power authorised by a warrant in respect of any communication between a professional legal adviser and his client in connection with the client's obligations, liabilities or rights under the Act, or other specified communications relating to proceedings or possible proceedings under the Act. These include proceedings before the Tribunal.
272. *Paragraph 9(2)* makes clear that the prohibition in paragraph 9(1) also applies to copies or other records of such communications, and anything enclosed with or referred to in any such communication, if the communication is made in connection with the giving of such advice or in relation to such proceedings as are mentioned.
273. *Paragraph 9(3)* provides that paragraph 9 does not apply to anything in the possession of any person other than the professional legal adviser or his client, or to anything held with the intention of furthering a criminal purpose.
274. *Paragraph 9(4)* provides that references in paragraph 9 to the client of a professional legal adviser include references to any person who may be representing the client.
275. *Paragraph 10* deals with the situation in which material consists partly of matters covered by the warrant and partly of matters not covered by the warrant. In such a case, if the person executing the warrant requests him to do so, the occupier of the premises must provide a copy of so much of the material as is covered by the warrant.