



Freedom of Information Act 2000

2000 CHAPTER 36

PART I

ACCESS TO INFORMATION HELD BY PUBLIC AUTHORITIES

Right to information

2 Effect of the exemptions in Part II.

- (1) Where any provision of Part II states that the duty to confirm or deny does not arise in relation to any information, the effect of the provision is that where either—
 - (a) the provision confers absolute exemption, or
 - (b) in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the public authority holds the information,section 1(1)(a) does not apply.
- (2) In respect of any information which is exempt information by virtue of any provision of Part II, section 1(1)(b) does not apply if or to the extent that—
 - (a) the information is exempt information by virtue of a provision conferring absolute exemption, or
 - (b) in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- (3) For the purposes of this section, the following provisions of Part II (and no others) are to be regarded as conferring absolute exemption—
 - (a) section 21,
 - (b) section 23,
 - (c) section 32,
 - (d) section 34,
 - (e) section 36 so far as relating to information held by the House of Commons or the House of Lords,

Changes to legislation: There are currently no known outstanding effects for the Freedom of Information Act 2000, Section 2. (See end of Document for details)

- [^{F1}(ea) in section 37, paragraphs (a) to (ab) of subsection (1), and subsection (2) so far as relating to those paragraphs,]
[^{F2}(f) section 40(1),
(fa) section 40(2) so far as relating to cases where the first condition referred to in that subsection is satisfied,]
(g) section 41, and
(h) section 44.

Textual Amendments

- F1** S. 2(3)(ea) inserted (19.1.2011) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 46(1), 52(2), [Sch. 7 para. 2](#); S.I. 2011/46, [art. 3\(b\)\(i\)](#) (with art. 4)
- F2** S. 2(3)(f)(fa) substituted for s. 2(3)(f) (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 56](#) (with ss. 117, 209, 210, [Sch. 20 para. 52](#)); S.I. 2018/625, reg. 2(1)(g)

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