
STATUTORY INSTRUMENTS

2012 No. 62

**The Elected Local Policing Bodies (Complaints
and Misconduct) Regulations 2012**

PART 5

Provision and recording of information

Exceptions to the duty to keep the complainant and any interested person informed

33.—(1) Subject to paragraph (2), the duties mentioned in regulations 26(2)(c) and 32(3) shall not apply in circumstances where in the opinion of the Commission the non-disclosure of information is necessary for the purpose of—

- (a) preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any actual or prospective criminal proceedings;
- (b) preventing the disclosure of information in any circumstances in which its non-disclosure—
 - (i) is in the interests of national security;
 - (ii) is for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders;
 - (iii) is required on proportionality grounds; or
 - (iv) is otherwise necessary in the public interest.

(2) The Commission shall not conclude that the non-disclosure of information is necessary under paragraph (1) unless it is satisfied that—

- (a) there is a real risk of the disclosure of that information causing an adverse effect; and
- (b) that adverse effect would be significant.

(3) Without prejudice to the generality of paragraph (1), the Commission shall consider whether the non-disclosure of information is justified under that paragraph in circumstances where—

- (a) the disclosure of that information may prejudice the welfare or safety of any third party;
- (b) the information constitutes criminal intelligence.