



Freedom of Information (Scotland) Act 2002

2002 asp 13

PART 2

EXEMPT INFORMATION

26 Prohibitions on disclosure

Information is exempt information if its disclosure by a Scottish public authority (otherwise than under this Act)—

- (a) is prohibited by or under an enactment;
- (b) is incompatible with [^{F1} an [^{F2}assimilated]] obligation; or
- (c) would constitute, or be punishable as, a contempt of court.

Textual Amendments

- F1** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with art. 3(2)(3), 4(2), 6(4)(5))
- F2** Word in s. 26(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 3(2)**

Modifications etc. (not altering text)

- C1** S. 26 excluded (1.12.2007) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), **ss. 40(3), 74**; S.I. 2007/3388, **art. 2(f)**

Changes to legislation:

Freedom of Information (Scotland) Act 2002, Section 26 is up to date with all changes known to be in force on or before 23 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 74A inserted by [2023 asp 6 sch. 2 para. 2\(2\)](#)