



# Freedom of Information (Scotland) Act 2002

2002 asp 13

## PART 2

### EXEMPT INFORMATION

#### **29 Formulation of Scottish Administration policy etc.**

- (1) Information held by the Scottish Administration is exempt information if it relates to—
  - (a) the formulation or development of government policy;
  - (b) Ministerial communications;
  - (c) the provision of advice by any of the Law Officers or any request for the provision of such advice; or
  - (d) the operation of any Ministerial private office.
- (2) Once a decision as to policy has been taken, any statistical information used to provide an informed background to the taking of the decision is not to be regarded, for the purposes of—
  - (a) paragraph (a) of subsection (1), as relating to the formulation or development of the policy in question; or
  - (b) paragraph (b) of that subsection, as relating to Ministerial communications.
- (3) In determining any question under section 2(1)(b) as respects information which is exempt information by virtue of subsection (1)(a), the Scottish Administration must have regard to the public interest in the disclosure of factual information which has been used, or is intended to be used, to provide an informed background to the taking of a decision.
- (4) In this section—

“government policy” means—

  - (a) the policy of the Scottish Administration; and
  - (b) in relation to information created before 1st July 1999, the policy of the Government of the United Kingdom;

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**Changes to legislation:** Freedom of Information (Scotland) Act 2002, Section 29 is up to date with all changes known to be in force on or before 23 April 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. (See end of Document for details) [View outstanding changes](#)

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“the Law Officers” means the Lord Advocate, the Solicitor General for Scotland, the Advocate General for Scotland, the Attorney General, the Solicitor General and the Attorney General for Northern Ireland;

“Ministerial communications” means any communications between Ministers and includes, in particular, communications relating to proceedings of the Scottish Cabinet (or of any committee of that Cabinet); and

“Ministerial private office” means any part of the Scottish Administration which provides personal administrative support to a Minister.

- (5) In the definitions of “Ministerial communications” and “Ministerial private office” in subsection (4), “Minister” means a member of the Scottish Executive or a junior Scottish Minister.

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**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\(2\)](#)