



Freedom of Information Act 2000

2000 CHAPTER 36

PART II

EXEMPT INFORMATION

30 Investigations and proceedings conducted by public authorities.

- (1) Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of—
- (a) any investigation which the public authority has a duty to conduct with a view to it being ascertained—
 - (i) whether a person should be charged with an offence, or
 - (ii) whether a person charged with an offence is guilty of it,
 - (b) any investigation which is conducted by the authority and in the circumstances may lead to a decision by the authority to institute criminal proceedings which the authority has power to conduct, or
 - (c) any criminal proceedings which the authority has power to conduct.
- (2) Information held by a public authority is exempt information if—
- (a) it was obtained or recorded by the authority for the purposes of its functions relating to—
 - (i) investigations falling within subsection (1)(a) or (b),
 - (ii) criminal proceedings which the authority has power to conduct,
 - (iii) investigations (other than investigations falling within subsection (1) (a) or (b)) which are conducted by the authority for any of the purposes specified in section 31(2) and either by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under any enactment, or
 - (iv) civil proceedings which are brought by or on behalf of the authority and arise out of such investigations, and
 - (b) it relates to the obtaining of information from confidential sources.

Changes to legislation: There are currently no known outstanding effects for the Freedom of Information Act 2000, Section 30. (See end of Document for details)

- (3) The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1) or (2).
- (4) In relation to the institution or conduct of criminal proceedings or the power to conduct them, references in subsection (1)(b) or (c) and subsection (2)(a) to the public authority include references—
- (a) to any officer of the authority,
 - (b) in the case of a government department other than a Northern Ireland department, to the Minister of the Crown in charge of the department, and
 - (c) in the case of a Northern Ireland department, to the Northern Ireland Minister in charge of the department.

[^{F1}(5) In this section—

“ criminal proceedings ” includes service law proceedings (as defined by section 324(5) of the Armed Forces Act 2006);

“ offence ” includes a service offence (as defined by section 50 of that Act).

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- (6) In the application of this section to Scotland—
- (a) in subsection (1)(b), for the words from “a decision” to the end there is substituted “ a decision by the authority to make a report to the procurator fiscal for the purpose of enabling him to determine whether criminal proceedings should be instituted ”,
 - (b) in subsections (1)(c) and (2)(a)(ii) for “which the authority has power to conduct” there is substituted “ which have been instituted in consequence of a report made by the authority to the procurator fiscal ”, and
 - (c) for any reference to a person being charged with an offence there is substituted a reference to the person being prosecuted for the offence.

Textual Amendments

F1 S. 30(5) substituted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 176](#); [S.I. 2009/812](#), [art. 3](#); [S.I. 2009/1167](#), [art. 4](#)

Modifications etc. (not altering text)

C1 S. 30 modified (24.4.2009 for certain purposes and 31.10.2009 otherwise) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), 205, [Sch. 1 para. 46\(1\)](#)

C2 S. 30(5) modified (24.4.2009 for certain purposes and 31.10.2009 otherwise) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), 205, [Sch. 1 para. 46\(2\)](#)

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