



# Freedom of Information (Scotland) Act 2002

2002 asp 13

## PART 2

### EXEMPT INFORMATION

#### 37 Court records, etc.

- (1) Information is exempt information if it is contained in—
- (a) a document—
    - (i) lodged with, or otherwise placed in the custody of, a court for the purposes of proceedings in a cause or matter;
    - (ii) served on, or by, a Scottish public authority for the purposes of such proceedings; or
    - (iii) created by a court or a member of its administrative staff for the purposes of, or in the course of, such proceedings; or
  - (b) a document—
    - (i) lodged with, or otherwise placed in the custody of, a person conducting an inquiry or arbitration, for the purposes of that inquiry or arbitration; or
    - (ii) created by such a person for such purposes,and a Scottish public authority holds the information solely because it is contained in such a document.
- (2) In this section—
- “court” includes a tribunal or body exercising the judicial power of the State; and
  - “inquiry” means an inquiry or hearing held under a provision contained in, or made under, an enactment.
- (3) This section does not apply to information held by a Scottish public authority for the purposes of an inquiry instituted under the [<sup>F1</sup>Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016].

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**Changes to legislation:** Freedom of Information (Scotland) Act 2002, Section 37 is up to date with all changes known to be in force on or before 19 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. (See end of Document for details) [View outstanding changes](#)

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#### Textual Amendments

- F1** Words in s. 37(3) substituted (15.6.2017) by [Inquiries into Fatal Accidents and Sudden Deaths etc. \(Scotland\) Act 2016 \(asp 2\)](#), s. 42(2), **sch. 2 para. 10(3)**; S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)
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#### Modifications etc. (not altering text)

- C1** S. 37(1)(b) excluded (7.6.2005) by [Inquiries Act 2005 \(c. 12\)](#), **ss. 18(4)**, 51 (with ss. 44, 50); S.I. 2005/1432, **art. 2**

**Changes to legislation:**

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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\(2\)](#)