

These notes relate to the Freedom of Information (Amendment) (Scotland) Act 2013 (asp 2) which received Royal Assent on 19th February 2013

FREEDOM OF INFORMATION (AMENDMENT) (SCOTLAND) ACT 2013

EXPLANATORY NOTES

THE ACT – SECTIONS

Section 2 – Refusal notices

10. Section 18 of the 2002 Act sets out that a Scottish public authority can issue a refusal notice in responding to a request for information, if to reveal whether the information existed or was held would be contrary to the public interest. Such a response, usually referred to as ‘neither confirm nor deny’ can only be issued in relation to certain exemptions which would apply to the information, if held.
11. The Act adds section 38 (which provides exemption for personal information) to those exemptions listed at section 18 of the 2002 Act, enabling a ‘neither confirm nor deny’ response to be issued where a request concerns personal information. The amendment also brings the 2002 Act into line with the Environmental Information (Scotland) Regulations 2004 which already provide for a ‘neither confirm nor deny’ response to be issued in respect of personal information.