



# Food (Scotland) Act 2015

## 2015 asp 1

### PART 1

#### FOOD STANDARDS SCOTLAND

##### *Information sharing*

#### **31 Publication and disclosure of advice and information**

- (1) Food Standards Scotland may—
  - (a) publish (in such manner as it considers appropriate), or
  - (b) disclose to the Scottish Ministers or a public body or office-holder, any material to which this section applies.
- (2) This section applies to—
  - (a) any advice given by Food Standards Scotland under section 3,
  - (b) any information obtained by Food Standards Scotland through—
    - (i) monitoring under section 3, or
    - (ii) observations under section 20, or
  - (c) any other information in the possession of Food Standards Scotland (whatever the source).
- (3) Subsection (1) does not authorise publication or disclosure of material which—
  - (a) is prohibited by an enactment, or
  - (b) would constitute or be punishable as a contempt of court.
- (4) But, otherwise, the powers in subsection (1) are exercisable free from any prohibition on publication or disclosure (as the case may be) which would apply.
- (5) Before deciding to exercise a power in subsection (1) in relation to any particular material, Food Standards Scotland must consider whether the public interest in the publication or disclosure of the material concerned is outweighed by any considerations of confidentiality attaching to it.

---

*Status: This is the original version (as it was originally enacted).*

---

- (6) Where the material relates to the performance of enforcement authorities, or particular enforcement authorities, in enforcing food legislation, subsection (5) applies only so far as the material relates to a person other than—
- (a) an enforcement authority, or
  - (b) a member, officer or employee of an enforcement authority acting in that person's capacity as such.