

## SCHEDULES

### SCHEDULE 6

Section 51.

#### ACCESS TO INFORMATION: EXEMPT INFORMATION

##### PART 1

###### DESCRIPTIONS OF EXEMPT INFORMATION

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the council holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the council or a government department and employees of, or office holders under, the council.
5. Information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the council proposes—
  - (a) to give under any statutory provision a notice by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any statutory provision.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

##### PART 2

###### QUALIFICATIONS

8. Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under—
  - (a) the Industrial and Provident Societies Act (Northern Ireland) 1969;
  - (b) the Friendly Societies Act 1974;
  - (c) the Credit Unions (Northern Ireland) Order 1985;

- (d) the Building Societies Act 1986;
- (e) the Friendly Societies Act 1992;
- (f) the Companies Acts (as defined in section 2 of the Companies Act 2006);
- (g) the Charities Act (Northern Ireland) 2008.

**9.** Information which—

- (a) falls within any of paragraphs 1 to 7; and
- (b) is not prevented from being exempt by virtue of paragraph 8,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## PART 3

### INTERPRETATION

**10.—(1)** In this Schedule—

“employee” means a person employed under a contract of service;

“financial or business affairs” includes contemplated, as well as past or current, activities;

“labour relations matter” means—

- (a) any of the matters specified in sub-paragraphs (a) to (g) of Article 96(1) of the Industrial Relations (Northern Ireland) Order 1992 (matters which may be the subject of a trade dispute, within the meaning of Part 11 of that Order); or

- (b) any dispute about a matter falling within paragraph (a) of this definition; and for the purposes of this definition the provisions mentioned in paragraph (a), with the necessary modifications, shall apply in relation to office-holders under the council as they apply in relation to employees of the council;

“office-holder”, in relation to the council, means the holder of any paid office appointments to which are or may be made or confirmed by the council or by any joint board on which the council is represented or by any person who holds any such office or is an employee of the council;

“registered”, in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

(2) Any reference in this Schedule to “the council” is a reference to the council or, as the case may be, the committee or sub-committee in relation to whose

proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference—

- (a) in the case of a council, to any committee or sub-committee of the council;  
and
- (b) in the case of a committee, to—
  - (i) any constituent council;
  - (ii) any other council by which appointments are made to the committee or whose functions the committee discharges; and
  - (iii) any other committee or sub-committee of a council falling within sub-head (i) or (ii); and
- (c) in the case of a sub-committee, to—
  - (i) the committee, or any of the committees, of which it is a sub-committee; and
  - (ii) any council which falls within head (b) in relation to that committee.