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STATUTORY INSTRUMENTS

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**1992 No. 3240**

**The Environmental Information Regulations 1992**

**Exceptions to right to information**

- 4.—(1) Nothing in these Regulations shall—
- (a) require the disclosure of any information which is capable of being treated as confidential; or
  - (b) authorise or require the disclosure of any information which must be so treated.
- (2) For the purposes of these Regulations information is to be capable of being treated as confidential if, and only if, it is—
- (a) information relating to matters affecting international relations, national defence or public security;
  - (b) information relating to, or to anything which is or has been the subject-matter of, any legal or other proceedings (whether actual or prospective);
  - (c) information relating to the confidential deliberations of any relevant person or to the contents of any internal communications of a body corporate or other undertaking or organisation;
  - (d) information contained in a document or other record which is still in the course of completion; or
  - (e) information relating to matters to which any commercial or industrial confidentiality attaches or affecting any intellectual property.
- (3) For the purposes of these Regulations information must be treated as confidential if, and only if, in the case of any request made to a relevant person under regulation 3 above—
- (a) it is capable of being so treated and its disclosure in response to that request would (apart from regulation 3(7) above) contravene any statutory provision or rule of law or would involve a breach of any agreement;
  - (b) the information is personal information contained in records held in relation to an individual who has not given his consent to its disclosure;
  - (c) the information is held by the relevant person in consequence of having been supplied by a person who—
    - (i) was not under, and could not have been put under, any legal obligation to supply it to the relevant person;
    - (ii) did not supply it in circumstances such that the relevant person is entitled apart from these Regulations to disclose it; and
    - (iii) has not consented to its disclosure; or
  - (d) the disclosure of the information in response to that request would, in the circumstances, increase the likelihood of damage to the environment affecting anything to which the information relates.
- (4) Nothing in this regulation shall authorise a refusal to make available any information contained in the same record as, or otherwise held with, other information which is withheld by

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virtue of this regulation unless it is incapable of being separated from the other information for the purpose of making it available.

(5) In this regulation “legal or other proceedings” includes any disciplinary proceedings, the proceedings at any local or other public inquiry and the proceedings at any hearing conducted by a person appointed under any enactment for the purpose of affording an opportunity to persons to make representations or objections with respect to any matter.