
STATUTORY INSTRUMENTS

2005 No. 2042

**The Civil Contingencies Act 2004
(Contingency Planning) Regulations 2005**

PART 8

Information

Disclosure or publication of sensitive information

51.—(1) Except where required to do so under another provision of these Regulations, a general responder must not publish or disclose to any person sensitive information which –

- (a) it has received under or by virtue of a provision of these Regulations; or
- (b) it has received under or by virtue of a provision in regulations made by the Scottish Ministers under Part 1,

unless paragraph (2) or (6) applies.

(2) This paragraph applies, subject to paragraph (3), if consent for the publication or disclosure has been given by –

- (a) in relation to sensitive information of the kind specified by paragraph (1)(a) or (b) of regulation 45 the originator of the information or (if different) a Minister of the Crown;
- (b) in relation to sensitive information of the kind specified by paragraph (1)(c) or (d) of regulation 45, the person to whom the information relates.

(3) Paragraph (2) does not apply to information of the kind specified by paragraph (1)(a) of regulation 45 if a Minister of the Crown has issued a certificate in writing indicating that publication or disclosure of the information would adversely affect national security.

(4) Consent under paragraph (2) may –

- (a) identify the information to which it applies by means of a general description;
- (b) be expressed to have prospective effect;
- (c) may include conditions.

(5) In paragraph (2), “originator of the information” means –

- (a) if the information has been directly or indirectly supplied to the responder by a body which deals with security matters, that body;
- (b) if sub-paragraph (a) does not apply, the information takes the form of a document and that document has been created by a public authority, that public authority;
- (c) otherwise, the person who supplied the information to the responder.

(6) This paragraph applies if –

- (a) the information is sensitive information of the kind specified by paragraph (1)(c) or (d) of regulation 45;

- (b) the information is not sensitive information of the kind specified by paragraph (1)(a) or (b) of regulation 45;
- (c) the responder is satisfied that the public interest in publishing or disclosing the information outweighs the legitimate interests of the person to whom that information relates; and
- (d) the responder has informed the person to whom the sensitive information relates of its intention to publish or disclose the information and its reasons for being satisfied of the matter specified in sub-paragraph (c).