



Exemptions

When an FOI request is made, we will adopt the spirit of the legislation and look to release the information.

However, there will be occasions where exemptions contained within the Act must be applied. The purpose of these exemptions is to assist the Police Service in protecting information that, if released, may have a negative impact on our ability to fulfil our core functions of law enforcement, crime prevention and the protection of life. The information below is a high level summary of the exemptions provided within the Act. Full guidance on the individual exemptions and how they should be applied can be found on the Information Commissioner's website, www.ico.gov.uk

There are 23 exemptions included under the FOIA. The exemptions are classified as either 'absolute' or 'qualified'.

Where an absolute exemption applies, no release is required under Freedom of Information legislation.

Where a qualified exemption applies, the public interest test must be considered. This gives the Police Service more time to make a decision about the release of information. Where there is a public interest in releasing information and a benefit to the community as a whole, the information will be disclosed. However, where the opposite is true, we will withhold the information.

The complete list of exemptions is as follows:

Section 21 - Information accessible to applicant by other means - Absolute

Disclosure of information is exempt information if it is already in the publication scheme or sourced from another eligible public body.

Section 22 - Information intended for future publication - Qualified

Disclosure of information is exempt information if it has a clearly identified timeline for publication.

Section 23 - Information supplied by, or relating to, bodies dealing with security matters - Absolute

If supplied by these bodies, applies irrespective of content.

Section 24 - National security - Qualified

Broader than Section 23. Ministers of the Crown may certify exemptions.

Section 26 – Defence - Qualified

Disclosure of information is exempt information if it is prejudicial to the defence of the British Isles or the capability of related states/bodies.

Section 27(2) - International relations - Qualified

Foreign interests and relations between the UK and foreign states/bodies.

INFORMATION ACCESS OFFICE,
CAMBRIDGESHIRE CONSTABULARY HEADQUARTERS, HINCHINGBROOKE PARK, HUNTINGDON,
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Telephone: 0845 456 456 4 asking for Information Access Office, Fax: (01480) 428192,
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Section 28 - Relations within the UK - Qualified

Between any governmental and related UK bodies.

Section 29 - The Economy - Qualified

Disclosure of information is exempt information if it protects the economic interests and some of the major administrators within the UK.

Section 30 - Investigations and proceedings conducted by the public authority - Qualified

Disclosure of information is exempt information if it relates to investigations by an Authority with a view to bringing criminal or civil proceedings or if it relates to information from confidential sources.

Section 31 - Law Enforcement - Qualified

Disclosure of information is exempt information if it would be likely to prejudice the prevention and detection of crime, the apprehension or prosecution of offenders or the administration of justice.

Section 32 - Court records - Absolute

Disclosure of information is exempt information if it is created by, in custody of, or served on public bodies by a court.

Section 33 - Audit functions - Qualified

Disclosure of information is exempt information if it relates to accounts audit or economic impact studies.

Section 34 - Parliamentary privilege - Absolute

Removes the duty to confirm or deny. Houses of Parliament can certify exempt material.

Section 35 - Formulation of government policy - Qualified

Includes Ministerial communications, private office operations, advice of Law Officers excludes background research.

Section 36 - Prejudice to the effective conduct of public affairs - Qualified

Applicability decision must be taken by a "qualified person" defined to include Ministers and heads of government departments.

Section 37 - Communication with Her Majesty etc and honours - Qualified

Relates to communication with the Royal Family or information on the conferring of honours.

Section 38 - Health & safety - Qualified

Disclosure of information is exempt information which would be likely to endanger the physical or mental health of any individual, or endanger the safety of any individual.

Section 39 - Environmental information - Qualified

Applies to information covered in other legislation.

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Section 40 - Personal information - Absolute

Information falling within the scope of Data Protection legislation is excluded from disclosure via FOI.

Section 41 - Information provided in confidence - Absolute

To apply this exemption disclosure would have to result in an “actionable” breach of confidence.

Section 42 - Legal professional privilege - Qualified

Disclosure of information is exempt information if information is subject to legal professional privilege.

Section 43(1) - Commercial interests - Qualified

Disclosure of information is exempt information if it constitutes a trade secret, or likely to prejudice commercial interests of any party.

Section 44 – Disclosure Prohibited by other legislation – Absolute

Information is exempt from disclosure if it is prohibited by any other enactment.

The above is only a summary of the exemptions and how they can be used. More detailed information about the types of exemption and how they should be used by a Public Authority can be found on the Information Commissioners website www.ico.gov.uk

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