

## Appendix C

### Section 41 – Information provided in confidence

Section 41 of the Freedom of Information Act provides an exemption from the right to know, when the information requested was provided to the public authority in confidence.

There are two components to the exemption:

1. The information must have been obtained by the public authority from another person. A person may be an individual, a company, a local authority or any other “legal entity”.
2. Disclosure of the information would give rise to an actionable breach of confidence.

The GRWG minutes contain information which GEO recently shared with us in confidence and we consider that disclosure could give rise to an actionable breach; as such we consider that the exemption is engaged.

Section 41 is an absolute exemption and therefore no consideration of the public interest test under FOIA is required. However, the duty of confidence contains an analogous, inherent public interest test, which must be considered in order to decide if the information is exempt.

We do not consider that there is an overriding public interest to release the information and therefore we have concluded that the exemption applies, and accordingly, the information has been redacted from the document.