

Annex

Section 22: Information intended for future publication

(1) Information is exempt information if—

- a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- b) the information was already held with a view to such publication at the time when the request for information was made, and
- c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

This is a qualified exemption and therefore it has been necessary to carry out the public interest test to determine whether the public interest is in favour of disclosure of the information or, alternatively, in favour of maintaining the relevant exemption i.e. in favour of non-disclosure. Our deliberations and conclusion are provided below:

Factors in Favour of Disclosure:

- Presumption under the Freedom of Information Act of disclosure.
- As a public body responsible for enforcing equality legislation there is a clear public interest in the Commission's legal projects, including rationale as well as measures and outcomes of such work.

Factors in Favour of Maintaining the Exemption (i.e. Non-Disclosure)

- We have committed to publish information about our Disability Pilot project including measures and outcomes and this is expected to be in the public domain within the next two months. Early release of this information, including our assessment of the project which is still being collated, is likely to undermine the preparations and work that has gone into producing the report.

Conclusion on the public interest test

On balance we consider that there is not an overriding public interest in the disclosure of this information at this time given the impending publication of this information. The exemption should therefore be maintained as the public interest is greater in withholding the information than in releasing it at this time.