



Shropshire and Wrekin
Fire and Rescue Authority

Section 9

Definitions of Exempt Information

Local Government Act 1972
Schedule 12a

Shropshire and Wrekin Fire and Rescue Authority

Definitions of Exempt Information Local Government Act 1972 Section 100A and Schedule 12A

The public shall be excluded from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence.

“Confidential information” means:

- (a) Information furnished to the Authority by a Government department upon terms (however expressed), which forbid the disclosure of the information to the public; and
- (b) Information, the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

The Authority may by resolution exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, there would be disclosure to them of exempt information.

Part I Descriptions of Exempt Information: England

- 1 Information relating to any individual
- 2 Information, which is likely to reveal the identity of an individual
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority
- 5 Information, in respect of which a claim to legal professional privilege could be maintained in legal proceedings

- 6 Information, which reveals that the Authority proposes:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime

The consideration as to whether or not the above categories are exempt and accordingly should not be disclosed to the public is subject to a public interest test, provided that in all circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Note

The above exemptions are subject to qualifications as set out in The Local Government Act 1972, Schedule 12A, part II.

Part II **Qualifications: England**

- 8 Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:
 - (a) the Companies Act (as defined in section 2 of the Companies Act 2006);
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;
 - (d) the Industrial and Provident Societies Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 2011.
- 9 Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- 10 Information which:
 - (a) falls within any of paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Part III Interpretation: England

11 (1) In Parts 1 and 2 and this Part of this Schedule:

"employee" means a person employed under a contract of service;

"financial or business affairs" includes contemplated, as well as past or current, activities;

"labour relations matter" means:

- (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or
- (b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

"office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

"registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

(2) Any reference in Parts 1 and 2 and this Part of this Schedule to "the authority" is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference:

- (a) in the case of a principal council, to any committee or sub-committee of the council; and
- (b) in the case of a committee, to:
 - (i) any constituent principal council;

- (ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges; and
- (iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and

(c) in the case of a sub-committee, to:

- (i) the committee, or any of the committees, of which it is a sub-committee; and
- (ii) any principal council which falls within paragraph (b) above in relation to that committee.