

Annex B

Section 41 – Information provided in confidence

(1) Information is exempt information if-

(a) it is obtained by the public authority from any other person (including another public authority) and

(b) the disclosure of the information to the public (otherwise than under the Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

(2) The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial that would have to be given to comply with section 1(1) (a) would (apart from this Act) constitute an actionable breach of confidence.