



UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021

2021 asp 4

PART 2

ENVIRONMENT

CHAPTER 2

ENVIRONMENTAL GOVERNANCE

Disclosure of information

39 Disclosure of information to Environmental Standards Scotland

- (1) No enactment or rule of law prohibiting or restricting the disclosure of information prevents a public authority from providing Environmental Standards Scotland with information necessary for the exercise of Environmental Standards Scotland's functions in accordance with—
 - (a) the authority's duty to co-operate under section 23(1), or
 - (b) an information notice issued under section 24(1).
- (2) But nothing in this Chapter requires a public authority to provide Environmental Standards Scotland with information that the authority—
 - (a) would be entitled to refuse to provide in civil proceedings on grounds of confidentiality of communications, or
 - (b) would be entitled, or required by any rule of law, to refuse to provide in civil proceedings on grounds of public interest immunity.
- (3) Nothing in this Chapter requires or authorises a disclosure of information which, although made in accordance with a duty or a power provided for in this Chapter, would contravene the data protection legislation.
- (4) In subsection (3), “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act).