



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

2021 asp 4

PART 2

ENVIRONMENT

CHAPTER 2

ENVIRONMENTAL GOVERNANCE

Disclosure of information

40 Confidentiality of proceedings

- (1) Environmental Standards Scotland must not disclose—
- (a) information obtained under section 23(1) or 24(1), or
 - (b) correspondence between Environmental Standards Scotland and a public authority that—
 - (i) relates to a particular information notice or compliance notice, or to the preparation of a particular improvement report,
 - (ii) is, or contains, such a notice or an unpublished draft of such a report.
- (2) Subsection (1) does not apply to—
- (a) a disclosure (other than a disclosure of an information notice, a compliance notice or an unpublished draft of an improvement report) made with the consent of the public authority who provided the information or correspondence,
 - (b) a disclosure made for purposes connected with the exercise of Environmental Standards Scotland's functions,
 - (c) a disclosure made to the Office for Environmental Protection, or any other environmental governance body, for purposes connected with the exercise of an environmental governance function,

Status: This is the original version (as it was originally enacted).

- (d) a disclosure of information, or correspondence, that relates only to a matter in relation to which Environmental Standards Scotland does not intend to take any further action under this Chapter,
- (e) a disclosure made for the purposes of civil proceedings,
- (f) a disclosure made for the purposes of the investigation or prosecution of any offence or suspected offence or for the purposes of the prevention or detection of crime,
- (g) a disclosure made in pursuance of an order of a court or tribunal,
- (h) a disclosure made in accordance with any other enactment requiring or permitting the disclosure.