



# Freedom of Information (Scotland) Act 2002

2002 asp 13

## PART 2

### EXEMPT INFORMATION

#### **31 National security and defence**

- (1) Information is exempt information if exemption from section 1(1) is required for the purpose of safeguarding national security.
- (2) A certificate signed by a member of the Scottish Executive certifying that such exemption is, or at any time was, required for the purpose of safeguarding national security is conclusive of that fact.
- (3) Without prejudice to the generality of subsection (2), a certificate under that subsection may identify the information to which it applies by means of a general description and may be expressed to have prospective effect.
- (4) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice substantially—
  - (a) the defence of the British Islands or of any colony; or
  - (b) the capability, effectiveness or security of any relevant forces.
- (5) In subsection (4)—
  - (a) in paragraph (a), “British Islands” and “colony” are to be construed in accordance with Schedule 1 to the Interpretation Act 1978 (c. 30); and
  - (b) in paragraph (b), “relevant forces” means—
    - (i) the armed forces of the Crown; and
    - (ii) any forces co-operating with those forces,or any part of the armed forces of the Crown or of any such co-operating forces.