SCOTTISH STATUTORY INSTRUMENTS

2005 No. 494

The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005

PART 8

Information

Sensitive information

39.—(1) In these Regulations, "sensitive information" means information which is not reasonably accessible to the public and which is–

(a) information the disclosure of which to the public would, or would be likely to, adversely affect national security;

(b) information the disclosure of which to the public would, or would be likely to, adversely affect public safety;

(c) information, disclosure of which to the public would or would be likely to prejudice the commercial interests of the person to whom that information relates; or

(d) information which is personal data, within the meaning of section 1(1) of the Data Protection Act 1998(**1**) if the condition in paragraph (2) or (3) is satisfied.

(2) The condition in this paragraph is–

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public would contravene–

(i) any of the data protection principles; or

(ii) section 10 of that Act (right to prevent processing likely to cause damage or distress); or

(b) in any other case, that the disclosure of the information to a member of the public would contravene any of the data protection principles if the exemptions in section 33A(1) of that Act (which relate to manual data held by public authorities) were disregarded.

(3) The condition in this paragraph is that by virtue of any provision of Part IV of that Act the information is exempt from section 7(1)(c) of that Act (data subject's right of access to personal data).

(4) In determining for the purposes of paragraph (2) whether anything done before 24th October 2007 would contravene the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 are to be disregarded.

(**1**) 1998 c. 29.