

Using the Section 36 Exemption – Prejudice to the Effective Conduct of Public Affairs

Background

Section 36 of the Freedom of Information Act (FOIA) allows the refusal of a request for information where, in the reasonable opinion of a Qualified Person, disclosure would or would be likely to:

- inhibit the free and frank provision of advice, or
- inhibit the free and frank exchange of views for the purposes of deliberation, or
- otherwise prejudice the effective conduct of public affairs

The FCA's Qualified Persons

The Treasury has approved all members of the FCA Board as Qualified Persons.

The intention is that in section 36 cases:

- any FCA Board member could act as a Qualified Person, and
- there would be an internal review, usually carried out by the same FCA Board member

Exemptions

View the [full list of exemptions](#) under FOIA.