

ELIZABETH II



FALKLAND ISLANDS

NIGEL ROBERT HAYWOOD C.V.O.,
Governor.

Committees (Public Access) Ordinance 2012

(No: 10 of 2012)

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COMMITTEES (PUBLIC ACCESS) ORDINANCE 2012

(No: 10 of 2012)

(assented to: 31 May 2012)
(commencement: see section 2)
(published: 6 June 2012)

AN ORDINANCE

To give members of the public rights of access to the meetings and documents of certain committees; and for connected purposes.

ENACTED by the Legislature of the Falkland Islands —

**PART 1
INTRODUCTION**

1. Title

This Ordinance is the Committees (Public Access) Ordinance 2012.

2. Commencement

This Ordinance comes into force on a day appointed by the Governor in a notice published in the *Gazette*.

PART 2 INTERPRETATION

3. Interpretation

In this Ordinance —

“background papers” has the meaning given to that expression in section 20(3);

“copy” includes, in relation to a document, a copy made from a copy;

“exempt information” means information covered by an exemption in Schedule 3;

“FIDC” means the Falkland Islands Development Corporation, established by section 3(1) of the Falkland Islands Development Corporation Ordinance (Title 28.1);

“FIG” means the public administration of the Falkland Islands Government;

“information” includes —

- (a) expressions of opinion;
- (b) recommendations; and
- (c) decisions;

“MLA” means an elected member of the Legislative Assembly;

“open committee” means a committee to which the rights of access to meetings and documents apply under section 4;

“public body” means —

- (a) the FIDC;
- (b) a body specified as a public body for the purposes of this Ordinance in the legislation or other instrument establishing it; or
- (c) a body designated as a public body by an order made under section 9(1).

PART 3 COMMITTEES TO WHICH RIGHTS OF ACCESS APPLY (OPEN COMMITTEES)

4. Committees to which rights of access apply (open committees)

A committee is an open committee and the rights of access to meetings and documents apply to it if either —

- (a) it is a committee that is automatically an open committee under section 5; or
- (b) it has been designated as an open committee under section 8.

5. Committees that are automatically open committees

A committee is automatically an open committee if —

- (a) both of the conditions in section 6 are satisfied in relation to it;
- (b) it is not listed (or referred to) in Schedule 1; and
- (c) it has not been excluded from being an open committee under section 7.

6. Committees that are automatically open committees: conditions

(1) The first condition referred to in section 5(a) is that at least one of the following applies to the committee —

- (a) it is the board or managing committee (however described) of a public body;
- (b) it is established by (or under) a written law of the Falkland Islands and it exercises functions under one or more of the following —
 - (i) that written law;
 - (ii) another written law of the Falkland Islands; or
 - (iii) an imperial enactment as it applies in the Falkland Islands;
- (c) it is established by (or under the authority of) the Governor or the Legislative Assembly;
- (d) it is established by a committee which is itself an open committee.

(2) The second condition is that one or more MLAs are members of the committee (in their capacity as MLAs).

7. Exclusion of committees from being open committees

A committee that would otherwise be an open committee is excluded from being an open committee if either —

- (a) the Governor has published a notice in the *Gazette* designating it as a committee to which the rights of access to meetings and documents do not apply;
- (b) it is established by (or under the authority of) the Legislative Assembly and the Legislative Assembly has passed a resolution designating it as a committee to which the rights of access to meetings and documents do not apply.

8. Designation of other committees as open committees

- (1) The Governor may by order designate one or more committees as open committees.
- (2) An order made under subsection (1) may contain incidental and consequential provisions.

9. Designation of other bodies as public bodies

- (1) The Governor may by order designate one or more bodies as public bodies for the purposes of this Ordinance.
- (2) An order made under subsection (1) may contain incidental and consequential provisions.
- (3) The Governor may not make an order under subsection (1) without having first consulted each body designated as a public body in the order.

PART 4 ACCESS TO MEETINGS OF OPEN COMMITTEES

10. Right to attend meetings of open committees

Members of the public have the right to attend meetings of open committees, except to the extent that the public is excluded from them under section 11.

11. Exclusion of public from meetings of open committees

- (1) An open committee may exclude some or all of the members of the public present at a meeting if it is necessary to do that to maintain (or restore) order at the meeting.
- (2) An open committee must resolve to exclude the public from a meeting during an item of business if it is likely (in view of the nature of the business to be transacted or the nature of the proceedings) that, if members of the public were present during that item, exempt information would be disclosed.
- (3) A resolution under subsection (2) must —
 - (a) identify the item of business to which it applies; and
 - (b) describe (using the appropriate paragraph heading from Schedule 3) which category of exempt information would be likely to be disclosed if the public were not excluded.

12. Advance publicity for meetings that public may attend

- (1) There must be adequate publicity in advance for meetings of the committee that members of the public will be able to attend.
- (2) The publicity given to comply with subsection (1) in relation to a meeting must include information about —
 - (a) the date and time of the meeting;

(b) the place where it will be held; and

(c) the arrangements for inspection of documents made under section 15.

(3) The Governor may make regulations about requirements for adequate publicity for meetings.

13. Limitations of right to attend meetings

(1) The right of members of the public to attend meetings of open committees does not include the right to speak at those meetings.

(2) Subsection (1) does not —

(a) prevent committees from allowing members of the public to speak at their meetings; or

(b) restrict other rights that members of the public have to address committees.

(3) An open committee need not (but may) permit any of the following things to be done at its meetings —

(a) the taking of photographs or of video or audio recordings;

(b) the transmission of its proceedings; or

(c) the making of reports of its proceedings as they take place, whether —

(i) orally; or

(ii) via a messaging system.

PART 5

ACCESS TO OPEN COMMITTEE DOCUMENTS

14. Public version of agenda

(1) For every meeting of an open committee, a public version of the agenda for the meeting must be produced for inspection under section 15.

(2) The public version of the agenda must include —

(a) particulars of the items of business to be considered while the public are likely to be able to attend the meeting; and

(b) in relation to items of business to be considered while the public is likely to be excluded from the meeting under section 11(2) —

(i) a statement that the public are likely to be excluded from the meeting on the basis that exempt information would be disclosed;

(ii) a description (using appropriate paragraph headings from Schedule 3) of the exempt information; and

(iii) a general indication about the subject matter of each item of business.

(3) A version of the agenda that contains additional information regarding items of business to be considered while the public is likely to be excluded from the meeting may be provided to members of the committee.

(4) Every copy of an agenda that contains additional information provided under subsection (3) must be marked “NOT FOR PUBLICATION”.

15. Right for public to inspect documents before meeting

(1) Members of the public have the right to inspect the following documents in advance of each meeting of an open committee —

(a) a copy of the public version of the agenda for the meeting produced under section 14; and

(b) copies of the reports to be circulated to members of the committee for consideration in advance of the meeting (but not reports that will be discussed by the committee while the public is likely to be excluded from the meeting under section 11(2)).

(2) Subsection (1) does not require copies of the public version of the agenda for a meeting or of the reports to be considered in advance of a meeting to be made available for inspection by members of the public before copies of that agenda and those reports are available to the members of the committee.

(3) Copies of reports that will be discussed by the committee while the public is likely to be excluded from the meeting under section 11(2) must be marked “NOT FOR PUBLICATION”.

16. Copies of documents to be available to public at meeting

For each meeting of an open committee, arrangements must be made for the following documents to be made available at the meeting for members of the public who have requested them no later than the working day before the meeting —

(a) the public version of the agenda for the meeting; and

(b) the reports that members of the public have the right to inspect under section 15(1)(b).

17. Restriction on consideration of items of business in certain circumstances

(1) An item of business may not be considered at a meeting of an open committee unless either —

(a) each of the following conditions is satisfied —

(i) there has been adequate publicity for the meeting taking place, at least three clear working days in advance;

(ii) members of the public have been able to inspect documents under section 15 for at least three clear working days before the meeting; and

(iii) either —

(aa) the item of business was included in the public version of the agenda for the meeting; or

(bb) the person chairing the meeting is satisfied that the item can properly be considered as a matter arising from minutes of a previous meeting of the committee that are being considered at the meeting and that have been available for inspection under section 19 for at least three clear working days before the meeting; or

(b) the person chairing the meeting is satisfied that there are special circumstances requiring the item to be considered at the meeting as a matter of urgency (in spite of the conditions in paragraph (a) not having been met, either fully or at all).

(2) If the person chairing a meeting of an open committee allows a matter to be considered at a meeting under subsection (1)(b), that person must ensure that the following are recorded in the minutes of the meeting —

(a) the decision to allow the matter to be considered as a matter of urgency; and

(b) the special circumstances justifying that decision.

18. Public version of minutes

(1) For every meeting of an open committee, a public version of the minutes of the meeting must be produced for inspection under section 19.

(2) The public version of the minutes must include —

(a) a record of the proceedings that took place while the public were able to attend the meeting (or were excluded from it under section 11(1)); and

(b) in relation to proceedings that took place while the public was excluded from the meeting under section 11(2) —

(i) a statement that the public were excluded from the meeting on the basis that exempt information would have been disclosed;

(ii) a description (using appropriate paragraph headings from Schedule 3) of the exempt information; and

(iii) a written summary of the proceedings that provides a record of them that is as fair and coherent as possible without disclosing exempt information.

(3) A version of the minutes that contains additional information regarding proceedings that took place while the public were excluded from the meeting may be provided to members of the committee.

(4) The minutes for a meeting (or a draft of them which is subject to approval by the committee at its next meeting) must be produced as soon as possible after the meeting.

(5) Every copy of a set of minutes that contains additional information provided under subsection (3) must be marked “NOT FOR PUBLICATION”.

19. Right for public to inspect documents after meeting

(1) Members of the public have the right to inspect the following documents for at least six years after the meeting to which they relate —

(a) copies of the public version of the agenda for every meeting of an open committee meeting;

(b) copies of every report that the public had the right to inspect under section 15(1)(b); and

(c) copies of the public version of the minutes of every meeting of an open committee.

(2) The documents must be made available for inspection —

(a) as soon as possible after the meeting; and

(b) no later than 15 working days after the meeting.

20. Right to request access to inspect background papers

(1) Members of the public may request access to inspect the background papers for a report while they have the right to inspect that report under section 15(1)(b) or section 19(1)(b).

(2) Requests made under subsection (1) must be complied with as soon as possible after they are made, but only to the extent that —

(a) the background papers are still available;

(b) it is reasonably practicable to comply with the request; and

(c) exempt information would not be disclosed.

(3) For the purposes of this section, the background papers for a report are the documents relating to the subject matter of the report that —

- (a) disclose any facts or matters which the report (or an important part of the report) is based;
- (b) have been relied upon in preparing the report and are referred to in it; and
- (c) are not published works.

21. Note-taking and requests for copies or extracts

(1) To the extent that a document is available to be inspected by a person under a provision in this Part, that person may —

- (a) take notes from the document while inspecting it; and
- (b) request the person with custody of the document to provide a copy of the document, an extract from it or an electronic version of it.

(2) The person with custody of the document may make a reasonable charge for complying with each request made under subsection (1)(b) to cover the cost of —

- (a) producing the copy document or extract; and
- (b) posting, delivering or transmitting it to the person who made the request.

(3) Subsection (1) does not either require or authorise anything to be done if it would infringe copyright (or other intellectual property rights) belonging to a person other than a public body.

22. Rights under this Part additional to other rights

The rights that a person has under this Part to inspect documents (and to take notes from them and to be provided with copies of them) are in addition to whatever other rights that the person might have to do those things and do not affect those other rights.

23. Additional rights for MLAs to inspect, etc documents

Schedule 2 deals with additional rights that an MLA has to inspect documents relating to committees of which that MLA is not a member (and to take notes from them and to be provided with copies of them).

PART 6 EXEMPT INFORMATION

24. Exempt information (and power to amend Schedule 3)

(1) Schedule 3 defines the categories of exempt information.

(2) The Governor may by order amend Schedule 3 to —

- (a) add new categories of exempt information;
- (b) remove categories of exempt information; or

- (c) vary existing categories of exempt information.
- (3) Nothing in this Ordinance —
- (a) requires exempt information to be disclosed;
 - (b) authorises its disclosure; or
 - (c) prevents it from being disclosed if there is other authority for that to be done.

PART 7 SUPPLEMENTARY PROVISIONS

25. Rights of media representatives

Representatives of the media may exercise the rights granted to members of the public under this Ordinance for the purposes of reporting the business of an open committee.

26. Defamation and privilege

- (1) Subsection (3) applies to defamatory matter contained in a document which is available for inspection under Part 5.
- (2) Subsection (3) also applies to defamatory statements made during the proceedings of open committees that took place while the public were able to attend the meeting (or were excluded from it under section 11(1)).
- (3) The publication or reporting of defamatory matter or statements to which this subsection applies is privileged, unless malice is proved in relation to the publication or reporting.

PART 8 OFFENCES AND CIVIL PENALTIES

27. Offences

- (1) A person commits an offence if, without reasonable excuse, that person wilfully obstructs another person from exercising a right conferred by this Ordinance.
- (2) A person convicted of an offence against subsection (1) is liable to a fine of up to level 1 on the standard scale.

28. Civil penalties

- (1) If an open committee is satisfied that a person has (without authority or reasonable excuse) published exempt information relating to the committee's business (or divulged that information in some other way), the committee may refer the matter to the Attorney General.
- (2) If the Attorney General is satisfied that it is an appropriate case in which to do so, the Attorney General may authorise the committee to impose a civil penalty on the person.

(3) If authorised under subsection (2), the committee may resolve to impose a civil penalty of up to an amount equivalent to a fine of level 1 on the standard scale.

(4) A civil penalty imposed by the committee —

(a) must be paid within 14 days of the date on which the person on whom it is imposed is notified about it; and

(b) if not paid, may be recovered from that person as a statutory debt.

PART 9 CONSEQUENTIAL AMENDMENT

29. Section 21 of Public Accounts Committee Ordinance amended – Exclusion of public

In section 21(1) of the Public Accounts Committee Ordinance (No 11 of 2009), replace paragraph (b) with —

“(b) evidence that relates to information that is exempt information for the purposes of the Committees (Public Access) Ordinance (No 10 of 2012); or”

PART 10 REPEAL

30. Committees (Access to Information) Ordinance repealed

The Committees (Access to Information) Ordinance (No 4 of 2000) is repealed.

SCHEDULE 1 COMMITTEES TO WHICH THE RIGHTS OF ACCESS TO MEETINGS AND DOCUMENTS DO NOT APPLY

The rights of access to meetings and documents do not apply to the following committees (and none of them are open committees) —

(a) Executive Council;

(b) committees of Executive Council;

(c) Legislative Assembly;

(d) the committee known as the General Purposes Committee;

(e) the Select Committee on the Estimates, established by section 65 of the Standing Rules and Orders of the Legislative Assembly;

- (f) the Advisory Committee on the Prerogative of Mercy, established by section 70(1) of the Constitution;
- (g) the Public Accounts Committee, established by section 81(1) of the Constitution; and
- (h) committees charged with functions under emergency legislation made under either —
 - (i) the Emergency Powers Order in Council 1939; or
 - (ii) the Civil Contingencies (Emergency Powers) Ordinance (No 2 of 2006).

SCHEDULE 2

ADDITIONAL RIGHTS FOR MLAS TO INSPECT, ETC DOCUMENTS

1. Relevant documents

In this Schedule, “relevant document” means, in relation to an MLA, each of the following documents —

- (a) a version of the agenda for a meeting of an open committee of which the MLA is not a member that contains additional information provided under section 14(3);
- (b) prior to a meeting of an open committee of which the MLA is not a member, a copy of a report that will be considered by the committee while the public is likely to be excluded from the meeting under section 11(2);
- (c) after a meeting of an open committee of which the MLA is not a member, a copy of a report that was considered by the committee while the public was excluded from the meeting under section 11(2);
- (d) a version of the minutes of a meeting of an open committee of which the MLA is not a member that contains additional information provided under section 18(3);
- (e) a background paper in relation to which a request made under section 20(2) by a member of the public would not be complied with because exempt information would be disclosed;
- (f) prior to a meeting of an open committee of which the MLA is not a member, a background paper for a report that will be considered by the committee while the public is likely to be excluded from the meeting under section 11(2);
- (g) after a meeting of an open committee of which the MLA is not a member, a copy of a report that was considered by the committee while the public is likely to be excluded from the meeting under section 11(2).

2. Right for MLAs to request access to relevant documents

- (1) An MLA has the right to request access to a relevant document.

(2) Access to a document includes inspecting it, taking notes from it and the provision of copies or extracts from it.

(3) A request made under sub-paragraph (1) must be complied with, but only to the extent that —

(a) the document is still available;

(b) in the case of a background paper, it is reasonably practicable to comply with a request to provide access to it;

(c) it is reasonably necessary (in all the circumstances) for the MLA to have access to the document; and

(d) providing access to the document would not breach an obligation of confidence.

3. Review of requests not complied with

(1) If a request made under paragraph 2(1) is not complied with, the MLA may ask the Attorney General to review the matter.

(2) When asked, the Attorney General must —

(a) carry out a review; and

(b) determine whether the request is to be complied with.

SCHEDULE 3 EXEMPT INFORMATION

PART 1 GENERAL CATEGORIES OF EXEMPT INFORMATION

1. Confidential information

(1) Information is exempt information if —

(a) it has been provided to an open committee by (or on behalf of) —

(i) the Governor;

(ii) the Commander British Forces; or

(iii) the United Kingdom Government; and

(b) the terms (however expressed) upon which the information was provided forbid the disclosure of the information to the public;

(2) Information is also exempt information if it cannot be disclosed to the public because either —

- (a) disclosure is prohibited by (or under) an enactment; or
- (b) disclosure is prohibited by order of a court or tribunal of competent jurisdiction.

2. National security, defence and other security matters

The following information is exempt information —

- (a) information in relation to which exemption is required to protect national security;
- (b) information in relation to which disclosure would (or would be likely to) prejudice either —
 - (i) the defence of the Falkland Islands; or
 - (ii) the capability, effectiveness or security of the armed forces (including the Falkland Islands Defence Force);
- (c) information in relation to which disclosure would (or would be likely to) prejudice security in some other way, including (without limitation) in relation to —
 - (i) the internal security of the Falkland Islands;
 - (ii) aviation or maritime security;
 - (iii) the security of buildings, infrastructure or resources.

3. International relations and relations with the United Kingdom and other Overseas Territories

Information is exempt information if disclosure of it would (or would be likely to) prejudice —

- (a) international relations;
- (b) relations between the Falkland Islands and the United Kingdom; or
- (c) relations between the Falkland Islands and one or more other Overseas Territories of the United Kingdom.

4. Economic interests

Information is exempt information if disclosure of it would (or would be likely to) prejudice the economic interests of the Falkland Islands.

5. Enforcement activities, etc

Information is exempt information if disclosure of it would (or would be likely to) prejudice one or more of the following —

- (a) the prevention or detection of crime;
- (b) the apprehension or prosecution of offenders;
- (c) the administration of justice;
- (d) the maintenance of security and good order in prisons and similar institutions;
- (e) the operation of immigration controls;
- (f) the assessment or collection of tax; and
- (g) other action to enforce legislation or other legal requirements.

PART 2 SPECIFIC CATEGORIES OF EXEMPT INFORMATION

6. Interpretation

In this Part, “employee” means a person who is either —

- (a) engaged under a contract of service or apprenticeship; or
- (b) the holder of an office.

7. Information about individuals

(1) The following information is exempt information (but not to the extent that the qualification in sub-paragraph (2) applies) —

- (a) information about —
 - (i) an individual employee (or former employee) of FIG, a public body (or of a body in respect of which FIG or a public body has the right to appoint employees);
 - (ii) an individual applicant for employment with FIG, a public body (or with a body in respect of which FIG or a public body has the right to appoint employees);
 - (iii) an individual who is a potential or prospective employee of FIG, a public body (or with a body in respect of which FIG or a public body has the right to appoint employees);

(b) information about —

- (i) an individual occupier (or former occupier) of accommodation provided by (or at the expense of) FIG or a public body;
- (ii) an individual applicant for accommodation to be provided by (or at the expense of) FIG or a public body;
- (iii) an individual who is a potential or prospective occupier of accommodation to be provided by (or at the expense of) FIG or a public body;

(c) information about —

- (i) an individual who is (or has been) receiving a service from FIG or a public body; or
 - (ii) an individual applicant for a service provided by FIG or a public body;
 - (iii) an individual who might potentially receive a service from FIG or a public body;
- and

(d) information about —

- (i) an individual applicant for financial assistance provided by FIG or a public body;
- (ii) an individual who is (or has been) receiving financial assistance from FIG or a public body; or
- (iii) an individual who might potentially receive financial assistance from a public body.

(2) Information about an individual is not exempt information under sub-paragraph (1) unless it relates to that individual in one of the capacities listed in that sub-paragraph.

8. Information about children

(1) Information about the adoption, care, fostering, supervision or education of an individual child is exempt information.

(2) In sub-paragraph (1), “child” has the same meaning as it does in the Children Ordinance (No 28 of 1994).

9. Information about others’ financial and business affairs

(1) Information about the financial or business affairs of a particular person (other than a public body) is exempt information (but not to the extent that the qualification in sub-paragraph (2) applies).

(2) Information is not exempt information under sub-paragraph (1) if it is required to be registered under one or more of the following —

- (a) the Companies Acts 1948 and 1985 (as they apply in the Falkland Islands);
- (b) the Banking Ordinance (Title 10.1);
- (c) the Co-operative Societies Ordinance (Title 21.1); and
- (d) either —
 - (i) the Offshore Minerals Ordinance 1994 (No 16 of 1994); or
 - (ii) a condition of a licence granted under that Ordinance.

(3) In sub-paragraph (1), “financial or business affairs” includes contemplated activities (as well as past and current ones).

10. Information about relevant contracts and negotiations

(1) The following information is exempt information (but not to the extent that the qualifications in sub-paragraphs (2) and (3) apply) —

- (a) information about the amount of expenditure that FIG or a public body proposes to incur under a relevant contract;
- (b) information about relevant negotiations (or the proposed conduct of relevant negotiations); and
- (c) information about financial provision included (or proposed to be included) in the estimates of revenue and expenditure or the budget of a public body in relation to —
 - (i) relevant contracts (either individually or collectively); or
 - (ii) the costs of legal proceedings (whether those proceedings are current, pending or proposed).

(2) Information is only exempt information under sub-paragraph (1)(a) to the extent that disclosure of the information would be likely to give an advantage (either against FIG or the public body or against anyone else) to a person entering into (or seeking to enter into) the relevant contract.

(3) Information is only exempt information sub-paragraph (1)(b) to the extent that disclosure of the information would prejudice the public body in the relevant negotiations (or in other relevant negotiations).

(4) In this paragraph —

“relevant contract” means a contract for one or more of the following purposes —

- (a) to acquire property (or a right in or interest over property);
- (b) to dispose of property;
- (c) to grant a right in or interest over property;
- (d) to supply goods or services; or
- (e) to obtain goods or services.

“relevant negotiations” means negotiations about the terms (including the price to be paid or received) of a proposed contract that, if concluded, would be a relevant contract.

11. Information about labour relations

(1) The following information is exempt information (but not to the extent that the qualification in sub-paragraph (2) applies) —

- (a) information about consultations or negotiations connected with FIG’s labour relations (or those of a public body);
- (b) information about contemplated consultations or negotiations connected with FIG’s labour relations (or those of a public body).

(2) Information is only exempt information under sub-paragraph (1) to the extent that disclosure of the information would prejudice FIG or the public body in the consultations or negotiations (or in other consultations or negotiations about its labour relations).

(3) In this paragraph, “labour relations” means, in relation to FIG or a public body, matters related to the conditions of service of some or all its employees, including (without limitation) —

- (a) remuneration;
- (b) hours of work;
- (c) holidays;
- (d) sick leave;
- (e) pensions;
- (f) notice periods;
- (g) redundancy or proposed redundancy;
- (h) strikes or other industrial action; and

- (i) grievance procedures.

12. Information about legal advice

The following information is exempt information —

- (a) information about legal advice received (whether orally or in writing and whether or relating to proceedings) and action to be taken (or not taken) on the basis of legal advice received; or
- (b) information about a request for legal advice coming within sub-paragraph (a).

13. Information about contemplated action

(1) Information is exempt information (but not to the extent that the qualification in sub-paragraph (2) applies) if it relates to a decision that the Governor, FIG, a public body or a committee is proposing to take to either —

- (a) impose requirements on a person by giving that person notice under an Ordinance (or other legislation) or under another instrument; or
- (b) make an order or direction under an Ordinance or other legislation.

(2) Information is only exempt information under sub-paragraph (1) to the extent that disclosure might give the person affected by the notice, order or direction the opportunity to defeat either —

- (a) the purpose of the notice, order or direction; or
- (b) one or more of its purposes.

14. Information about the identity of a protected informant

The following information is exempt information —

- (a) the identity of a person giving (or who has given) information which tends to show that one or more of the following has been (or is about to be) committed —
 - (i) a criminal offence;
 - (ii) a breach of statutory duty;
 - (iii) a breach of planning control (within the meaning given to that phrase by section 80(1) of the Planning Ordinance (Title 55.3)); or
 - (iv) a nuisance; and
- (b) information that could be used to identify such a person.

15. Draft papers for Executive Council and information about them

(1) The following are exempt information (but not to the extent that the qualification in subparagraph (2) applies) —

- (a) drafts of papers for that being considered by an open committee with a view to them being approved for submission to the Executive Council;
- (b) information about draft papers for submission to the Executive Council.

(2) The person chairing an open committee and the person who would be responsible for submitting the paper to Executive Council may agree that, in relation to a specific draft paper (or part of one), that it is not exempt and that information about it is not exempt.

16. Internal audit reports

(1) Reports (and draft reports) produced for the purpose of carrying out internal auditing of the activities of FIG or a public body are exempt information.

(2) Information is also exempt information if it relates to the preparation of a report (or draft report) that is exempt information under subparagraph (1).

17. Budgetary information

Information is exempt information if it relates to the preparation or consideration of the budget of FIG or a public body.

Passed by the Legislature of the Falkland Islands on 25 May 2012.

C. PRIOR M.B.E.,
Clerk of the Legislative Assembly.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Assembly and is found by me to be a true and correctly printed copy of the said Bill.

C. PRIOR M.B.E.,
Clerk of the Legislative Assembly.