



Freedom of Information Act 2000

2000 CHAPTER 36

PART II

EXEMPT INFORMATION

39 Environmental information.

- (1) Information is exempt information if the public authority holding it—
- is obliged by [^{F1}environmental information regulations] to make the information available to the public in accordance with the regulations, or
 - would be so obliged but for any exemption contained in the regulations.

[^{F2}(1A) In subsection (1) “ environmental information regulations ” means—

- regulations made under section 74, or
 - regulations made under section 2(2) of the European Communities Act 1972 for the purpose of implementing any [^{F3}EU] obligation relating to public access to, and the dissemination of, information on the environment.]
- (2) The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1).
- (3) Subsection (1)(a) does not limit the generality of section 21(1).

Textual Amendments

- F1** Words in s. 39(1)(a) substituted (1.1.2005) by [The Environmental Information Regulations 2004 \(S.I. 2004/3391\)](#), [reg. 20\(2\)](#) (with [reg. 3](#))
- F2** S. 39(1A) inserted (1.1.2005) by [The Environmental Information Regulations 2004 \(S.I. 2004/3391\)](#), [reg. 20\(3\)](#) (with [reg. 3](#))
- F3** Words in s. 39(1A)(b) substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 3, [6\(1\)\(e\)](#)

Changes to legislation:

Freedom of Information Act 2000, Section 39 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 23(3)(p) inserted by [2024 c. 9 s. 29](#)