

EXEMPTION NOTE

Section 23

Absolutely exempt communications with the Crown

This note is one of a series intended to provide practical guidance on the exemptions set out in the Isle of Man Freedom of Information Act 2015 (FOI).

Requests for information must be considered on a case by case basis and the Information Commissioner will review decisions on the facts of each case.

THE EXEMPTION

Section 23 states:

23 Absolutely exempt communications with the Crown

Information is absolutely exempt information if it relates to communications with —

- (a) the Queen;
- (b) the heir to, or the person who is for the time being second in line of succession to the Throne;
- (c) a person who has subsequently acceded to the Throne or become heir to, or second in line of succession to, the Throne; or
- (d) the Lieutenant Governor.

THE MAIN POINTS

1. Information contained in communications between a PA and the Queen, the immediate heirs to the throne, or the Lieutenant Governor, are exempt from a request under FOI.
2. This is an absolute exemption which means the PA does not have to consider whether disclosure of the information would be in the public interest.

FURTHER RESOURCES

APPENDIX 1: IOM Commissioner Decisions & IOM Case law

APPENDIX 2: Other Commissioner Decisions & Case law

APPENDIX 1 IOM Commissioner Decisions & Case law

IOM Commissioner Decisions

None

IOM Case law

None



APPENDIX 2

Other Commissioner Decisions & Case law

Note

Neither the Commissioner nor the Court are obliged to follow decisions or case law from other jurisdictions.

UK Information Commissioner Decisions



Scottish Information Commissioner (SIC) Decisions

Decision Number	Parties	Summary
130/2009	David Rule and the Scottish Ministers	Mr Rule asked for communications between the First Minister's Office and Visit Scotland relating to communications with the Queen or another member of the Royal Family. The SIC found there was little public interest in disclosing the communications, and recognised the importance of maintaining relations between the Royal Household and the Government.
051/2006	Peter MacMahon and the Scottish Ministers	Mr MacMahon asked about the attitude of the Royal Family and Royal Household to the Holyrood Project. The SIC concluded that, in this case, the public interest in protecting personal communications outweighed the public interest in disclosing them.

Case law

UK Tribunal decisions

