

Exemption in full

30 - Investigations and proceedings conducted by public authorities

(1) Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of

(a) any investigation which the public authority has a duty to conduct with a view to it being ascertained

(i) whether a person should be charged with an offence,

(ii) whether a person charged with an offence is guilty of it,

(b) any investigation which is conducted by the authority and in the circumstances may lead to a decision by the authority to institute criminal proceedings which the authority has power to conduct,

(c) any criminal proceedings which the authority has power to conduct.

(2) Information held by a public authority is exempt information if -

(a) it was obtained or recorded by the authority for the purposes of its functions relating to

(i) investigations falling within subsection (1)(a) or (b),

(ii) criminal proceedings which the authority has power to conduct,

(iii) investigations (other than investigations falling within subsection (1)(a) or (b)) which are conducted by the authority for any of the purposes specified in section 31(2) and either by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under any enactment, or

(iv) civil proceedings which are brought by or on behalf of the authority and arise out of such investigations,

(b) it relates to the obtaining of information from confidential sources.

(3) 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) or (2).

(4) In relation to the institution or conduct of criminal proceedings or the power to conduct them, references in subsection (1)(b) or (c) and subsection (2)(a) to the public authority include references

(a) to any officer of the authority,

(b) in the case of a government department other than a Northern Ireland department, to the Minister of the Crown in charge of the department,

(c) in the case of a Northern Ireland department, to the Northern Ireland Minister in charge of the department.

(5) In this section

“criminal proceedings” includes

(a) proceedings before a court-martial constituted under the Army Act 1955, the [1955 c. 18.] Air [1955 c. 19.] Force Act 1955 or the [1957 c.

53.] Naval Discipline Act 1957 or a disciplinary court constituted under section 52G of the Act of 1957,

(b) proceedings on dealing summarily with a charge under the Army Act 1955 or the [1955 c. 18.] Air[1955 c. 19.] Force Act 1955 or on summary trial under the [1957 c. 53.] Naval Discipline Act 1957,

(c) proceedings before a court established by section 83ZA of the [1955 c. 18.] Army Act 1955, section 83ZA of the [1955 c. 19.] Air Force Act 1955 or section 52FF of the [1957 c. 53.] Naval Discipline Act 1957 (summary appeal courts),

(d) proceedings before the Courts-Martial Appeal Court, and

(e) proceedings before a Standing Civilian Court;

“offence” includes any offence under the [1955 c. 18.] Army Act 1955, the [1955 c. 19.] Air Force Act 1955 or the [1957 c. 53.] Naval Discipline Act 1957.

(6) In the application of this section to Scotland

(a) in subsection (1)(b), for the words from “a decision” to the end there is substituted “a decision by the authority to make a report to the procurator fiscal for the purpose of enabling him to determine whether criminal proceedings should be instituted”,

(b) in subsections (1)(c) and (2)(a)(ii) for “which the authority has power to conduct” there is substituted “which have been instituted in consequence of a report made by the authority to the procurator fiscal”,

(c) for any reference to a person being charged with an offence there is substituted a reference to the person being prosecuted for the offence.

Section 30 Public Interest Test

<i>Factors for disclosure</i>	<i>Factors for withholding</i>
<ul style="list-style-type: none"> • There is a public interest in DSA demonstrating they take action to detect and prosecute impersonators areas. 	<ul style="list-style-type: none"> • Identifying a test centre as linked to investigations could alert the person currently under investigation and hinder the collection of evidence and ultimately jeopardise the prosecution of the impersonator • Investigations of impersonation cases are ongoing and if test centres were identified, the impersonator may move to a different centre or cease activity. This would hinder the investigation and prosecution • If DSA became ineffective in its prosecution of impersonators, this could lead to an increase in the number of illegal drivers and impact significantly on road safety • Included in our Annual Report and Accounts is a summary of actions taken to tackle impersonation cases which should re-assure the public we are taking appropriate action
<i>Reasons why public interest favours withholding information</i>	
<p>On consideration of the arguments for and against disclosure, it is concluded that releasing the information would be against the public interest because the success of investigations and prosecutions relies on collection of sufficient evidence. If test centres where suspected impersonators were identified, it could make the impersonator aware they are currently under investigation and therefore hinder the collection of evidence.</p>	