

Record of the qualified person’s opinion

**Section 36 Freedom of Information Act 2000**

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| **The public authority** | | | | | |
| 1. Name of the authority | |  | | | |
| **The qualified person** | | | | | |
| 2. Name *(see Notes below)* | |  | | | |
| 3. Job title | |  | | | |
| 4. Subsection of s36(5) under which the qualified person is authorised *(see Notes below)* | |  | | | |
| **Information on which opinion was sought** | | | | | |
| 5. Brief description of the information requested | |  | | | |
| 6. Information was | | shown to the qualified person | | | y/n |
| described to the qualified person | | | y/n |
| **Submission to the qualified person** | | | | | |
| 7. Date the opinion was sought | | DD/MM/YYYY | | | |
| 8. Subsection(s) of s36(2) or s36(3) on which the opinion was sought *(see Notes below)* | | 36(2)(a)(i) | | | y/n |
| 36(2)(a)(ii) | | | y/n |
| 36(2)(a)(iii) | | | y/n |
| 36(2)(b)(i) | | | y/n |
| 36(2)(b)(ii) | | | y/n |
| 36(2)(c) | | | y/n |
| 36(3)  (neither confirm nor deny) | | |  |
| 9. Arguments put forward as to why prejudice/ inhibition would/ would be likely to occur | |  | | | |
| 10. Counter arguments put forward | |  | | | |
| 11. Any other factors taken into account | |  | | | |
| **The qualified person’s opinion** | | | | | |
| 12. *(see Notes below)*  The qualified person’s opinion is that, if the information requested were disclosed, the prejudice/ inhibition specified in the following section(s) of the Freedom of Information Act 2000 | | | | | |
| **36(2)(a)(i)** | | | | | y/n |
| would occur | y/n | | would be likely to occur | | y/n |
| for the following reasons: | | | | | |
| **36(2)(a)(ii)** | | | | | y/n |
| would occur | y/n | | | would be likely to occur | y/n |
| for the following reasons: | | | | | |
| **36(2)(a)(iii)** | | | | | y/n |
| would occur | y/n | | | would be likely to occur | y/n |
| for the following reasons: | | | | | |
| **36(2)(b)(i)** | | | | | y/n |
| would occur | y/n | | | would be likely to occur | y/n |
| for the following reasons: | | | | | |
| **36(2)(b)(ii)** | | | | | y/n |
| would occur | y/n | | | would be likely to occur | y/n |
| for the following reasons: | | | | | |
| **36(2)(c)** | | | | | y/n |
| would occur | y/n | | | would be likely to occur | y/n |
| for the following reasons: | | | | | |
| **36(3)**  **(Neither confirm nor deny)** | | | | | y/n |
| would occur | y/n | | | would be likely to occur | y/n |
| for the following reasons: | | | | | |
| 13. Date the opinion was given *(see Notes below)* | | | | | DD/MM/YY |
| 14. Qualified person’s signature *(see Notes below)* | | | | | |
|  | | | | | |

**Notes for completing this form**

2. If the public authority itself, rather than an individual, has been authorised as the qualified person, the name is that of the authority’s highest decision making body.

4. Please refer to section 36(5) of the Freedom of Information Act 2000 for the list of qualified persons. We also provide guidance on ‘Who is the qualified person?’ within our guidance [Section 36 – Prejudice to the effective conduct of affairs](https://ico.org.uk/media/for-organisations/documents/1175/section_36_prejudice_to_effective_conduct_of_public_affairs.pdf#:~:text=Section%2036%20provides%20an%20exemption%20if%20disclosure%20would,otherwise%20prejudice%20the%20effective%20conduct%20of%20public%20affairs.).

8. This lists the subsections of section 36 which you asked the qualified person to consider.

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| **section 36(2)**  (2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—  (a) would, or would be likely to, prejudice—  (i) the maintenance of the convention of the collective responsibility of Ministers of the Crown, or  ii) the work of the Executive Committee of the Northern Ireland Assembly, or  (iii) the work of the Cabinet of the Welsh Assembly Government.  (b) would, or would be likely to, inhibit—  (i) the free and frank provision of advice, or  (ii) the free and frank exchange of views for the purposes of deliberation, or  (c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.  **section 36(3)**  (3)The duty to confirm or deny does not arise in relation to information to which this section applies (or would apply if held by the public authority) if, or to the extent that, in the reasonable opinion of a qualified person, compliance with section 1(1)(a) would, or would be likely to, have any of the effects mentioned in subsection (2). |

12. This lists the subsections of section 36 which the qualified person decided were engaged. Please tick the relevant subsection(s), and in each case indicate whether the prejudice or inhibition would or would be likely to occur and the reasons for this.

13. This is the date on which the qualified person gave their opinion. If you complete the form after that, the date you enter here must still be the date the opinion was given.

14. If the public authority itself, rather than an individual, is authorised as the qualified person, the form should be signed on behalf of the authority's highest decision making body. Please also print the name of the person signing on its behalf.