

**Exempted categories**

Access may be refused if the requested documents and records fall under the following exempted categories. Where circumstances warrant, such documents and records may be made available if public interest outweighs the harm and prejudice of disclosure unless it is prohibited by law.

- (a) Information or records the disclosure of which is prohibited by statute law or common law that applies to Hong Kong;
- (b) information or records relating to law enforcement, legal proceedings and legal professional privilege the disclosure of which would harm or prejudice the enforcement of law, the administration of justice, any legal proceedings being conducted or likely to be conducted or the parties concerned;
- (c) information or records held for or provided by any party under an explicit understanding that it would not be disclosed without the consent of that party;
- (d) information or records relating to individual complaint cases;
- (e) information or records relating to LegCo and its committees authorized by LegCo to exercise the powers under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and investigation committees that is subject to declassification the premature disclosure of which would cause harm or damage to the parties concerned or impede the operation of such committees or later committees;
- (f) information or records relating to the on-going work of LegCo and its committees, commercially sensitive information, research, statistics, data and planned publications the premature disclosure of which would be misleading, unfair or lead to improper gain or advantage;
- (g) information or records obtained or transferred in confidence between Members and the Secretariat;

- (h) information or records relating to the business and operation of the Commission and the Secretariat the disclosure of which would harm or prejudice such business and operation; and
- (i) information or records the access to which would be detrimental to their preservation.

2. The above exempted categories were drawn up with reference made to the freedom of information laws and policies of various jurisdictions including Australia, Canada, Germany, New Zealand, the United Kingdom, the United States and the HKSAR Government as well as a number of public bodies in Hong Kong. These exemptions have been incorporated into the Access to Information Policy (**Appendix 16-G**) launched by The Legislative Council Commission on 1 January 2014.