Fair Employment (Northern Ireland) Act 1989

1989 CHAPTER 32

PART I

THE FAIR EMPLOYMENT COMMISSION, THE FAIR EMPLOYMENT TRIBUNAL AND THE FUNCTIONS OF THE COMMISSION AND THE TRIBUNAL

Confidentiality of information

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(1) No information in the Commission's possession which discloses, or from which there can be deduced, the religious belief of any identifiable individual shall, without that individual's written consent, be disclosed to any person, except where—

(a) it is disclosed to a person employed by the Commission the nature of whose duties renders it reasonable for him to be supplied with the information, or

(b) its disclosure is necessary—

(i) for the purposes of any proceedings under this Act, either before a court or before the Tribunal,

(ii) for the purposes of any criminal proceedings, or

(iii) to comply with the order of a court.

(2) Subsection (3) below applies to any information supplied to the Commission—

(a) in the course of an investigation under section 11 of this Act or section 38 (review of exception of schoolteachers) of the Fair Employment (Northern Ireland) Act 1976, or

(b) in pursuance of a requirement under section 45 of this Act.

(3) No information to which this subsection applies shall be disclosed by a member, officer or servant of the Commission to a person who is not a member of, or in the employment of, the Commission, except so far as such disclosure—

(a) is relevant for the purposes of section 2(1) (educational functions) or section 38(3) (report on review of exception of schoolteachers) of, or paragraph 14 (annual report) of Schedule 1 to, the Fair Employment (Northern Ireland) Act 1976 and is not prohibited by subsection (1) above,

(b) is necessary as mentioned in subsection (1)(b) above, or

(c) is permitted by subsection (4) below or required by subsection (5) below.

(4) Subject to subsection (1) above, where it is necessary or expedient to do so for the proper discharge of the functions of the Commission, a member, officer or servant of the Commission may—

(a) disclose to an employer any information in the Commission's possession which relates to his employees or to other persons who have applied for employment by him,

(b) disclose to a principal (within the meaning of section 18 of the Fair Employment (Northern Ireland) Act 1976) any information in the Commission's possession which relates to contract workers whose services are or have been available to him,

(c) disclose to any person who is empowered by virtue of an enactment to select or nominate another person for employment by a third person any information in the Commission's possession which relates to a person who has applied for the employment in question,

(d) disclose to an employment agency any information in the Commission's possession which relates to a person who has applied for or obtained the services of the agency,

(e) disclose to a vocational organisation any information in the Commission's possession which relates to members of that organisation or other persons who have applied for membership,

(f) disclose to a person who provides services in connection with the training of persons for employment in any capacity, or for a particular employment or occupation, any information in the Commission's possession which relates to a person who has sought, or on whose behalf it has been sought, to obtain those services, or who has obtained those services, or

(g) disclose to a person who has power to confer a qualification such as is mentioned in section 23 of the Fair Employment (Northern Ireland) Act 1976 any information in the Commission's possession which relates to a person who has applied to have, or has had, that qualification conferred on him.

(5) Subject to subsection (1) above, the Commission shall supply to the Department any information in the Commission's possession which the Department requests.

(6) Any person who discloses any information in contravention of any provision of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.