



Competition Act 1998

1998 CHAPTER 41

PART I

COMPETITION

CHAPTER V

MISCELLANEOUS

Confidentiality and immunity from defamation

55 General restrictions on disclosure of information

- (1) No information which—
- (a) has been obtained under or as a result of any provision of this Part, and
 - (b) relates to the affairs of any individual or to any particular business of an undertaking,
- is to be disclosed during the lifetime of that individual or while that business continues to be carried on, unless the condition mentioned in subsection (2) is satisfied.
- (2) The condition is that consent to the disclosure has been obtained from—
- (a) the person from whom the information was initially obtained under or as a result of any provision of this Part (if the identity of that person is known); and
 - (b) if different—
 - (i) the individual to whose affairs the information relates, or
 - (ii) the person for the time being carrying on the business to which the information relates.
- (3) Subsection (1) does not apply to a disclosure of information—
- (a) made for the purpose of—
 - (i) facilitating the performance of any relevant functions of a designated person;

Status: This is the original version (as it was originally enacted).

- (ii) facilitating the performance of any functions of the Commission in respect of Community law about competition;
 - (iii) facilitating the performance by the Comptroller and Auditor General of any of his functions;
 - (iv) criminal proceedings in any part of the United Kingdom;
 - (b) made with a view to the institution of, or otherwise for the purposes of, civil proceedings brought under or in connection with this Part;
 - (c) made in connection with the investigation of any criminal offence triable in the United Kingdom or in any part of the United Kingdom; or
 - (d) which is required to meet a Community obligation.
- (4) In subsection (3) “relevant functions” and “designated person” have the meaning given in Schedule 11.
- (5) Subsection (1) also does not apply to a disclosure of information made for the purpose of facilitating the performance of specified functions of any specified person.
- (6) In subsection (5) “specified” means specified in an order made by the Secretary of State.
- (7) If information is disclosed to the public in circumstances in which the disclosure does not contravene subsection (1), that subsection does not prevent its further disclosure by any person.
- (8) A person who contravenes this section is guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.