



# Police Reform Act 2002

## 2002 CHAPTER 30

### PART 2

#### COMPLAINTS AND MISCONDUCT

##### *Co-operation, assistance and information*

#### **[<sup>F1</sup>21A Restriction on disclosure of sensitive information**

- (1) Where the [<sup>F2</sup>Director General] receives information within subsection (3), the [<sup>F2</sup>Director General] must not disclose (whether under section 11, 20 or 21 or otherwise) the information, or the fact that it has been received, unless the relevant authority consents to the disclosure.
- (2) Where a person appointed under paragraph 18 of Schedule 3 to investigate a complaint or matter (a “paragraph 18 investigator”) receives information within subsection (3), the paragraph 18 investigator must not disclose the information, or the fact that it has been received, to any person other than the [<sup>F2</sup>Director General] unless the relevant authority consents to the disclosure.
- (3) The information is—
  - (a) intelligence service information;
  - (b) protected information relating to a relevant warrant;
  - (c) information obtained from a government department which, at the time it is provided to the [<sup>F2</sup>Director General] or the paragraph 18 investigator, is identified by the department as information the disclosure of which may, in the opinion of the relevant authority—
    - (i) cause damage to national security, international relations or the economic interests of the United Kingdom or any part of the United Kingdom, or
    - (ii) jeopardise the safety of any person.
- (4) Where the [<sup>F2</sup>Director General] or a paragraph 18 investigator discloses to another person information within subsection (3), or the fact that the [<sup>F2</sup>Director General] or

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the paragraph 18 investigator has received it, the other person must not disclose that information or that fact unless the relevant authority consents to the disclosure.

(5) In this section—

“government department” means a department of Her Majesty’s Government but does not include—

- (a) the Security Service,
- (b) the Secret Intelligence Service, or
- (c) the Government Communications Headquarters (“GCHQ”);

“intelligence service information” means information that was obtained (directly or indirectly) from or that relates to—

- (a) the Security Service,
- (b) the Secret Intelligence Service,
- (c) GCHQ, or
- (d) any part of Her Majesty’s forces, or of the Ministry of Defence, which engages in intelligence activities;

“Minister of the Crown” includes the Treasury;

“paragraph 18 investigator” has the meaning given by subsection (2);

“protected information”, in relation to a relevant warrant, means information relating to any of the matters mentioned in section 57(4) of the Investigatory Powers Act 2016 in relation to the warrant;

“relevant authority” means—

- (a) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Security Service, the Director-General of the Security Service;
- (b) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Secret Intelligence Service, the Chief of the Secret Intelligence Service;
- (c) in the case of intelligence service information obtained (directly or indirectly) from or relating to GCHQ, the Director of GCHQ;
- (d) in the case of intelligence service information obtained (directly or indirectly) from or relating to Her Majesty’s forces or the Ministry of Defence, the Secretary of State;
- (e) in the case of protected information relating to a relevant warrant, the person to whom the relevant warrant is or was addressed;
- (f) in the case of information within subsection (3)(c)—
  - (i) the Secretary of State, or
  - (ii) the Minister of the Crown in charge of the government department from which the information was obtained (if that Minister is not a Secretary of State);

“relevant warrant” means—

- (a) a warrant under Chapter 1 of Part 2 of the Investigatory Powers Act 2016, or
- (b) a warrant under Chapter 1 of Part 6 of that Act.]

#### Textual Amendments

**F1** Ss. 21A, 21B inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 19(2), 183(1)(5)(e); S.I. 2020/5, reg. 2(g) (with art. 3(1)(2)(4))

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- F2** Words in s. 21A substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 28**; S.I. 2017/1249, reg. 2 (with reg. 3)

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**Modifications etc. (not altering text)**

- C1** Pt. 2 applied (with application in accordance with reg. 1(3) of the amending S.I.) by The Police (Complaints and Misconduct) Regulations 2020 (S.I. 2020/2), regs. 1(1), **43(3)**
- C2** Pt. 2 applied (with modifications) (with application in accordance with reg. 1(3) of the amending S.I.) by The Police (Complaints and Misconduct) Regulations 2020 (S.I. 2020/2), regs. 1(1), **52**
- C3** Pt. 2 applied (with modifications) (with application in accordance with reg. 1(3) of the amending S.I.) by The Police (Complaints and Misconduct) Regulations 2020 (S.I. 2020/2), regs. 1(1), 42(1), **Sch. 2**
- C4** Pt. 2 applied (with modifications) (with application in accordance with reg. 1(3) of the amending S.I.) by The Police (Complaints and Misconduct) Regulations 2020 (S.I. 2020/2), regs. 1(1), **43(1)(2)**
- C5** Pt. 2 applied (with modifications) (with application in accordance with reg. 1(3) of the amending S.I.) by The Police (Complaints and Misconduct) Regulations 2020 (S.I. 2020/2), regs. 1(1), **42(2)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 26F inserted by [2023 c. 41 Sch. 13 para. 6](#)
- s. 28A(6A)(6B) inserted by [2023 c. 41 s. 45\(2\)](#)