



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 9

#### INFORMATION

##### *Restrictions on disclosure*

#### **237 General restriction**

- (1) This section applies to specified information which relates to—
  - (a) the affairs of an individual;
  - (b) any business of an undertaking.
- (2) Such information must not be disclosed—
  - (a) during the lifetime of the individual, or
  - (b) while the undertaking continues in existence,unless the disclosure is permitted under this Part.
- (3) But subsection (2) does not prevent the disclosure of any information if the information has on an earlier occasion been disclosed to the public in circumstances which do not contravene—
  - (a) that subsection;
  - (b) any other enactment or rule of law prohibiting or restricting the disclosure of the information.
- (4) Nothing in this Part authorises a disclosure of information which contravenes [<sup>F1</sup>the data protection legislation].
- (5) Nothing in this Part affects the Competition Appeal Tribunal.
- (6) This Part (except section 244) does not affect any power or duty to disclose information which exists apart from this Part.

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Cross Heading: Restrictions on disclosure. (See end of Document for details)*

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[<sup>F2</sup>(7) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).]

#### Textual Amendments

- F1** Words in s. 237(4) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 86(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F2** S. 237(7) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 86(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

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

- C1** S. 237 restricted (31.10.2003) by Railways and Transport Safety Act 2003 (c. 20), **ss. 115, 120**; S.I. 2003/2681, **art. 2(b)**

## 238 Information

- (1) Information is specified information if it comes to a public authority in connection with the exercise of any function it has under or by virtue of—
  - (a) Part 1, 3, 4, 6, 7 or 8;
  - (b) an enactment specified in Schedule 14;
  - (c) such subordinate legislation as the Secretary of State may by order specify for the purposes of this subsection.
- (2) It is immaterial whether information comes to a public authority before or after the passing of this Act.
- (3) Public authority (except in the expression “overseas public authority”) must be construed in accordance with section 6 of the Human Rights Act 1998 (c. 42).
- (4) In subsection (1) the reference to an enactment includes a reference to an enactment contained in—
  - (a) an Act of the Scottish Parliament;
  - (b) Northern Ireland legislation;
  - (c) subordinate legislation.
- (5) The Secretary of State may by order amend Schedule 14.
- (6) The power to make an order under subsection (5) includes power to add, vary or remove a reference to any provision of—
  - (a) an Act of the Scottish Parliament;
  - (b) Northern Ireland legislation.
- (7) An order under this section must be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) This section applies for the purposes of this Part.

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise Act 2002, Cross Heading:  
Restrictions on disclosure.