

SCHEDULES

SCHEDULE 6

Section 59

RESTRICTIONS ON DISCLOSING INFORMATION

Prohibition on disclosure

- 1 (1) This paragraph applies to information if—
 - (a) it was obtained under or by virtue of Chapter 1 of this Part, and
 - (b) it relates to the affairs of an individual or to a particular business.
- (2) The information must not be disclosed—
 - (a) during the lifetime of the individual, or
 - (b) while the business continues to be carried on.
- (3) Sub-paragraph (2) has effect subject to the following provisions of this Schedule.

Disclosure with consent

- 2 Paragraph 1(2) does not apply to a disclosure made with the consent of—
 - (a) the individual, or
 - (b) the person for the time being carrying on the business.

Disclosure of information already available to public

- 3 Paragraph 1(2) does not apply to information that has been made available to the public by being disclosed—
 - (a) in circumstances in which disclosure is not precluded by this Schedule, or
 - (b) for a purpose for which disclosure is not precluded by this Schedule.

Other permitted disclosures

- 4 (1) Paragraph 1(2) does not apply where information is disclosed—
 - (a) for the purpose of facilitating the carrying out of functions of a relevant person under a relevant statutory provision, or
 - (b) for the purposes of civil proceedings brought under or by virtue of a relevant statutory provision.
- (2) These are relevant persons—
 - the CAA;
 - a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975);
 - the Welsh Ministers;
 - the Scottish Ministers;
 - a Northern Ireland Department;

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the Competition Appeal Tribunal;
the Competition Commission;
the Office of Fair Trading;
the Gas and Electricity Markets Authority;
the Northern Ireland Authority for Utility Regulation;
the Water Services Regulation Authority;
the Office of Rail Regulation;
the Coal Authority;
the Office of Communications;
the Insolvency Practitioners Tribunal;
a local weights and measures authority in Great Britain;
a district council in Northern Ireland.

(3) These are relevant statutory provisions—

Part 1 of this Act;
sections 83 and 84 of this Act;
Trade Descriptions Act 1968;
Fair Trading Act 1973;
Consumer Credit Act 1974;
Estate Agents Act 1979;
Competition Act 1980;
Civil Aviation Act 1982;
Air Navigation Orders made under section 60 of the Civil Aviation Act 1982;
regulations made under section 75 of the Civil Aviation Act 1982 (investigation of accidents);
Airports Act 1986;
Gas Act 1986;
Insolvency Act 1986;
Consumer Protection Act 1987;
Consumer Protection (Northern Ireland) Order 1987 (S.I. 1987/2049 (N.I. 20));
Electricity Act 1989;
Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19));
Broadcasting Act 1990;
Property Misdescriptions Act 1991;
Water Industry Act 1991;
Water Resources Act 1991;
Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1));
Railways Act 1993;
Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1));
Broadcasting Act 1996;
Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2));
Competition Act 1998;
Part 1 of the Transport Act 2000;
Enterprise Act 2002;
Communications Act 2003;
Water Act 2003;

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Railways Act 2005;

Water and Sewerage Services (Northern Ireland) Order 2006 ([S.I. 2006/3336 \(N.I. 21\)](#));

Postal Services Act 2011;

and subordinate legislation made for the purpose of securing compliance with relevant EU provisions.

- (4) These are relevant EU provisions—
- (a) Articles 104 and 105 of the Treaty on the Functioning of the European Union (competition);
 - (b) Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market;
 - (c) Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising;
 - (d) Directive [2009/12/EC](#) of the European Parliament and of the Council of 11 March 2009 on airport charges.

5 Paragraph [1\(2\)](#) does not apply where information is disclosed—

- (a) in connection with the investigation of a criminal offence or for the purposes of criminal proceedings,
- (b) in pursuance of an EU obligation,
- (c) for the purpose of facilitating the performance of a function of the European Commission in respect of European Union law about competition,
- (d) for the purpose of enabling or assisting the Secretary of State or the Treasury to exercise powers conferred by or under the Financial Services and Markets Act 2000 or by or under the enactments relating to companies, insurance companies or insolvency,
- (e) for the purpose of enabling or assisting an inspector appointed under the enactments relating to companies to carry out functions under those enactments,
- (f) for the purpose of enabling or assisting an official receiver to carry out functions under the enactments relating to insolvency,
- (g) for the purpose of enabling or assisting a recognised professional body for the purposes of section 391 of the Insolvency Act 1986 or Article 350 of the Insolvency (Northern Ireland) Order 1989 ([S.I. 1989/2405 \(N.I. 19\)](#)) to carry out its functions,
- (h) for the purpose of facilitating the carrying out by the Health and Safety Executive of its functions under an enactment,
- (i) for the purpose of facilitating the carrying out by an enforcing authority (within the meaning of Part 1 of the Health and Safety at Work etc Act 1974) of functions under a relevant statutory provision (within the meaning of that Act), or
- (j) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of functions under any enactment.

6 The Secretary of State may by regulations amend paragraph [4](#) or [5](#).

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Offence

- 7 A person who discloses information in contravention of paragraph 1(2) 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 not more than 2 years or to a fine (or both).

Criminal liability of officers of bodies corporate etc

- 8 (1) Sub-paragraph (2) applies if an offence under this Schedule committed by a body corporate—
- (a) is committed with the consent or connivance of a director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in such a capacity, or
 - (b) is attributable to neglect on the part of such a person.
- (2) That person, as well as the body corporate, commits the offence.
- (3) In sub-paragraph (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body.