



# Enterprise and Regulatory Reform Act 2013

## 2013 CHAPTER 24

### PART 2

#### EMPLOYMENT

##### ACAS

#### 10 ACAS: prohibition on disclosure of information

In Part 6 of the Trade Union and Labour Relations (Consolidation) Act 1992 (ACAS etc), after section 251A insert—

##### **“251B Prohibition on disclosure of information**

- (1) Information held by ACAS shall not be disclosed if the information—
- (a) relates to a worker, an employer of a worker or a trade union (a “relevant person”), and
  - (b) is held by ACAS in connection with the provision of a service by ACAS or its officers.

This is subject to subsection (2).

- (2) Subsection (1) does not prohibit the disclosure of information if—
- (a) the disclosure is made for the purpose of enabling or assisting ACAS to carry out any of its functions under this Act,
  - (b) the disclosure is made for the purpose of enabling or assisting an officer of ACAS to carry out the functions of a conciliation officer under any enactment,
  - (c) the disclosure is made for the purpose of enabling or assisting—
    - (i) a person appointed by ACAS under section 210(2), or

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Section 10. (See end of Document for details)*

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- (ii) an arbitrator or arbiter appointed by ACAS under any enactment,
    - to carry out functions specified in the appointment,
  - (d) the disclosure is made for the purposes of a criminal investigation or criminal proceedings (whether or not within the United Kingdom),
  - (e) the disclosure is made in order to comply with a court order,
  - (f) the disclosure is made in a manner that ensures that no relevant person to whom the information relates can be identified, or
  - (g) the disclosure is made with the consent of each relevant person to whom the information relates.
- (3) Subsection (2) does not authorise the making of a disclosure which contravenes the Data Protection Act 1998.
- (4) A person who discloses information in contravention of this section commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) Proceedings in England and Wales for an offence under this section may be instituted only with the consent of the Director of Public Prosecutions.
- (6) For the purposes of this section information held by—
- (a) a person appointed by ACAS under section 210(2) in connection with functions specified in the appointment, or
  - (b) an arbitrator or arbiter appointed by ACAS under any enactment in connection with functions specified in the appointment,
- is information that is held by ACAS in connection with the provision of a service by ACAS.”

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Section 10.